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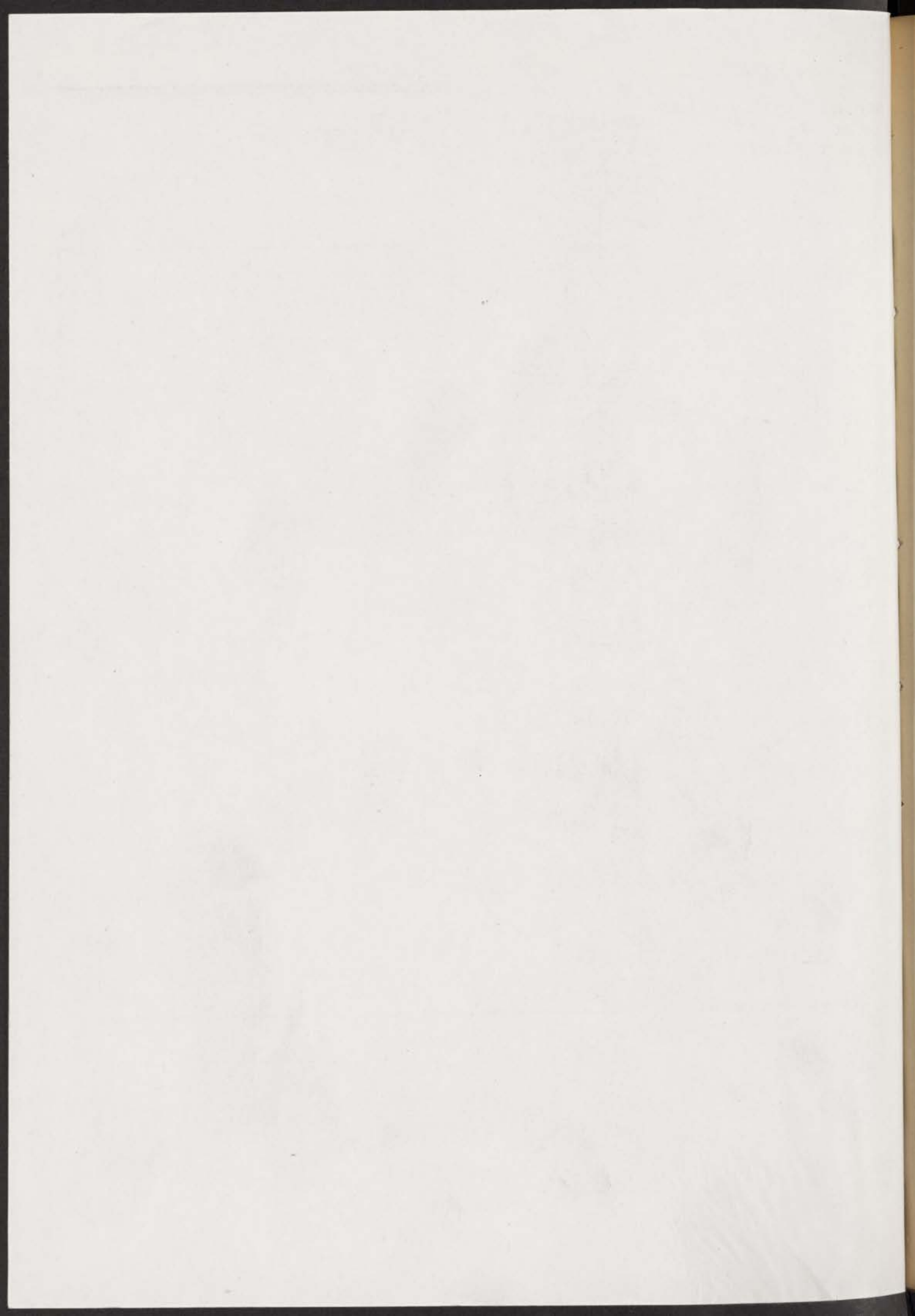
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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ATLANTA, GA

- WHEN:** September 20; at 9:00 a.m.
- WHERE:** Room 808, 75 Spring Street, SW.
Richard B. Russell Federal Building
Atlanta, GA
- RESERVATIONS:** Call the Federal Information Center
404-331-6895

WASHINGTON, DC

- WHEN:** September 25; at 9:00 a.m.
- WHERE:** Office of the Federal Register
First Floor Conference Room
1100 L Street NW., Washington, DC
- RESERVATIONS:** 202-523-5240

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Rules and Regulations

Federal Register

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Thursday, August 31, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 141, 143, 145, and 148

[T.D. 89-82]

Customs Regulations Amendments Changing the Maximum Amount for Informal Entries to \$1250

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Under current Customs Regulations, a shipment must generally be valued at \$1000 or less to qualify for informal entry procedures. This document amends various parts of the Customs Regulations to raise the \$1000 ceiling to \$1250.

Public Law 98-573, dated October 30, 1984, amended 19 U.S.C. 1498(a)(1) by granting the Secretary of the Treasury the authority to increase the informal entry limit from \$250 to \$1250. When the Customs Service originally implemented the statutory change in 1985, it decided to set the maximum for informal entry at \$1000, reserving the option to raise the limit to the statutory maximum at a subsequent time. Customs has now determined that in order to devote its resources to higher priority, higher valued shipments, it is appropriate to raise the limit for informal entry to the statutory maximum.

DATE: These regulatory amendments are effective October 1, 1989.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects—Esther Mandelay, Office of Inspection and Control, (202) 566-8151; *Legal Aspects*—Norman King, Entry Rulings Branch, (202) 566-5856.

SUPPLEMENTARY INFORMATION:

Background

All merchandise which is imported into the customs territory of the United

States is subject to entry and clearance procedures. Section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), provides that the "importer of record" of imported merchandise or his agent shall make entry by filing such documentation as is necessary to enable the Customs officer to determine whether the merchandise may be released from Customs custody and to ascertain properly the duties on the merchandise as well as whether other legal requirements are met. Part 142, Customs Regulations (19 CFR part 142), implements section 484, and prescribes procedures applicable to most Customs entry transactions. These procedures, known as formal entry procedures, generally require the filing of Customs forms as well as commercial documents pertaining to the transaction.

Section 498, Tariff Act of 1930, as originally enacted, authorized the Secretary to prescribe rules and regulations for, among other things, the declaration and entry of shipments the aggregate value of which did not exceed \$250. Regulations setting forth procedures for such shipments were issued in subpart C of part 143, Customs Regulations (19 CFR part 143, subpart C), entitled "Informal Entries". Informal entry procedures are less burdensome than their formal counterparts. For example, with the assent of the district director of Customs, merchandise eligible for informal entry may be entered simply by means of a commercial invoice which contains a signed declaration by the importer.

Section 206 of Public Law 98-573, dated October 30, 1984, amended section 498, Tariff Act of 1930, as amended (19 U.S.C. 1498), by granting, with certain exceptions, the Secretary of the Treasury the authority to raise to \$1250 the maximum amount for informal entry status. On July 23, 1985, Customs published a number of conforming amendments in the *Federal Register* (50 FR 29949), including one raising the limit for which informal entries could be filed. However, Customs raised the limit to only \$1000 and preserved the option of raising the limit further until after it could evaluate the operational effect of this increase.

On December 16, 1987, Customs published a proposal in the *Federal Register* (52 FR 47729), to change the procedures for the clearance of cargo carried by express consignment

operators or carriers. One purpose of that proposal, which was published as a final rule in the May 8, 1989, *Federal Register* (54 FR 19561), and was effective June 7, 1989, was to provide more expedited clearance procedures for processing of such cargo. In that document, the limit for which informal entry procedures could be used for cargo carried by express consignment operators or carriers was raised from \$1000 to \$1250.

On January 24, 1989, Customs published a proposal in the *Federal Register* (54 FR 3492), to increase the informal entry limit for all other entry filers from \$1000 to \$1250. In that proposal it was noted that the informal entry procedures were less burdensome to Customs and the importing public and that they should be uniformly set at the statutory limit for all importers.

Since publication of the proposed rule it was noted that the informal entry procedures in § 148.23(c), Customs Regulations (19 CFR 148.23(c)), related to the clearance of articles accompanying persons arriving in the United States and properly listed on their baggage declaration, were inadvertently omitted from the proposed rule. In order to conform that provision to the other informal entry provisions, an appropriate regulatory amendment is included herein. Inasmuch as this amendment merely conforms the cited provision to other related provisions which were specifically noted in the proposed rule and is procedural in nature, notice and public procedure are deemed unnecessary, pursuant to 5 U.S.C. 553(b)(3), and a delayed effective date relative thereto, is not required, pursuant to 5 U.S.C. 553(d)(3).

Analysis of Comments

Ten comments were received in response to the notice published in the *Federal Register* on January 24, 1989 (54 FR 3492). Eight of the commenters supported increasing the monetary limit for informal entries. Some of these commenters favored increasing the monetary limit to \$2500 and introducing such change at the beginning of a calendar quarter. One of these commenters also noted that items covered by import alerts may not be subject to the same scrutiny under the change as they previously were. In addition, the two commenters that did not support the proposal, expressed

concern that the change would increase Customs paperwork burden, would be contrary to the automation efforts of Customs and Customs brokers, and would weaken safeguards to assure compliance.

Based on our review of the comments, we note the following:

1. The suggestion to raise the informal entry monetary limit above \$1,250 would require additional statutory authority.

2. The suggestion to introduce the change at the beginning of a calendar quarter, which would provide a clean break for data comparison purposes, has been incorporated herein.

3. We agree that the interception of commodities subject to import alerts is a matter of concern. We, however, do not believe that the increase in the informal entry monetary limit will alter the need for scrutiny regarding these matters. The import alert information can be placed in the Customs Automated Commercial System (ACS) which is currently being utilized by many entry filers for informal entry purposes. Also, district directors of Customs, as currently authorized, may require merchandise to be covered by a formal entry, with an appropriate bond, if deemed necessary for import admissibility enforcement purposes.

4. The extension of the informal entry provision will not conflict with automation efforts. Currently, many entry filers are using ACS to file informal entries. We are working toward further automation of the informal entry procedures. We believe this will result in greater reconciliation of entries and bills of lading/air waybills. Compliance safeguards would not be weakened since the enforcement cargo selectivity system for informal entries will provide a sound basis for Customs to deal with these areas. We previously noted in T.D. 86-143 and T.D. 89-53, when responding to similar comments, that audits and intensive examinations have been successful in insuring compliance with laws and regulations.

Determination

After carefully analyzing the comments received and further consideration of the matter, it has been determined to adopt the regulatory changes as proposed with the modifications noted.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) it is certified that, if adopted, the proposed amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis

or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Arnold L. Sarasky, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 141

Customs duties and inspection, Imports

19 CFR Part 143

Customs duties and inspection, Imports

19 CFR Part 145

Customs duties and inspection, Imports, Postal service

19 CFR Part 148

Customs duties and inspection, Imports

Amendments

Parts 141, 143, 145 and 148 (19 CFR parts 141, 143, 145, and 148) are amended as set forth below.

PART 141—ENTRY OF MERCHANDISE

1. The authority citation for part 141 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

* * * * *

Subpart F is also issued under 19 U.S.C. 1481.

* * * * *

§ 141.82 [Amended]

2. Section 141.82 is amended by removing "\$1000", where it appears in paragraph (d), and inserting in its place "\$1250".

PART 143—CONSUMPTION, APPRAISEMENT AND INFORMAL ENTRIES

1. The general authority citation for part 143 continues to read as follows:

Authority: 19 U.S.C. 66, 1481, 1484, 1498, 1624.

§ 143.21 [Amended]

2. Section 143.21 is amended by removing "\$1000", where it appears in paragraphs (a), (b), (c), (f), (g) and (l), and inserting in its place "\$1250".

§ 143.22 [Amended]

3. Section 143.22 is amended by removing "\$1000" and inserting in its place "\$1250".

§ 143.23 [Amended]

4. Section 143.23 is amended by removing "\$1000", where it appears in paragraph (d), and inserting in its place "\$1250".

§ 143.29 [Amended]

5. Section 143.29 is amended by removing "\$1000" where it appears in the introductory text to that section and paragraph (b) thereof and inserting in its place "\$1250".

PART 145—MAIL IMPORTATIONS

1. The authority citation for part 145 continues to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Section 145.12 also issued under 19 U.S.C. 1315, 1484, 1498;

* * * * *

Section 145.35 also issued under 19 U.S.C. 1498;

* * * * *

§ 145.12 [Amended]

2. Section 145.12 is amended by removing "\$1000", where it appears in paragraphs (a)(2), (a)(3), (b) and (c), and inserting in its place "\$1250".

§ 145.35 [Amended]

3. Section 145.35 is amended by removing "\$1000" and inserting in its place "\$1250".

§ 145.41 [Amended]

4. Section 145.41 is amended by removing "\$1000" and inserting in its place "\$1250".

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

1. The general authority for part 148 continues to read as follows:

Authority: 19 U.S.C. 66, 1496, 1624. The provisions of this part, except for subpart C, are also issued under General Note 8, Harmonized Tariff Schedule of the United States, 19 U.S.C. 1202.

§ 148.23 [Amended]

2. Section 148.23 is amended by removing "\$1000", where it appears in

paragraphs (c)(1) and (c)(2), and inserting in its place "\$1250".

William von Raab,

Commissioner of Customs.

Approved: August 25, 1989.

Salvator R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 89-20532 Filed 8-30-89; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 166

[CGD 87-038]

RIN 2115-AC78

Port Access Routes; Approach to Freeport, TX

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: This notice publishes the results of a Port Access Route Study to determine if the Freeport Harbor Anchorage Area should be modified to facilitate recovery of hydrocarbon reserves which lie within the fairway anchorage. The Report of Study concluded that the fairway anchorage is an integral and necessary part of the fairway system that provides safe access to the Port of Freeport and should not be changed.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade Jeffrey D. Irino, Project Officer, Eighth Coast Guard District at (504) 589-4686 or Margie G. Hegy, Project Manager, Coast Guard Headquarters at (202) 267-0415.

SUPPLEMENTARY INFORMATION:

The Report of Study upon which this notice is based, is available for inspection and copying at the Marine Safety Council, U.S. Coast Guard Headquarters, Room 3600, 2100 Second Street SW., Washington, DC 20593-0001 or at the Eighth Coast Guard District office, Room 1141, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

Background

The Freeport Harbor Anchorage Area was established by the U.S. Army Corps of Engineers (COE) on October 25, 1968 (33 FR 15787). After the 1978 amendments to the Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223) authorized the Coast Guard to designate necessary shipping safety fairways to provide safe access routes to U.S. ports, the Coast Guard adopted

the shipping safety fairway regulations originally promulgated by the COE and placed them in 33 CFR part 166 (May 13, 1982, 47 FR 20580). On June 30, 1983 (48 FR 30108), the Coast Guard defined shipping safety fairways and fairway anchorages.

A shipping safety fairway is an area in which no fixed structures are permitted, and therefore may inhibit exploration and exploitation of mineral resources. A fairway anchorage is an anchorage area contiguous to and associated with a fairway, in which fixed structures may be permitted with a two-mile spacing limitation (33 CFR 166.100(c)(1)).

Regulatory History

Pursuant to the 1978 amendments to the PWSA, the Coast Guard undertook a port access route study of the potential traffic density and the need for safe access routes for vessels proceeding to or from U.S. ports.

The port access route study, which included the Freeport Harbor area, was opened on April 16, 1979 (44 FR 22543). The Notice of Study Results, published on October 8, 1981 at 46 FR 49989, recommended no change to the existing shipping safety fairway or fairway anchorage area in the approach to Freeport, TX.

On July 2, 1987 (52 FR 25039), the Coast Guard opened a port access route study of the Freeport area in response to a request from the Amoco Production Company (USA) to modify the existing Freeport Harbor Anchorage Area.

Amoco's Request

Amoco Production Company requested that 18.40 square miles of the southwestern section of the Freeport Harbor Anchorage Area be deleted. Amoco desires to drill a 14,000' wildcat well within the southwestern section of the Freeport Harbor Anchorage Area. Federal regulations (33 CFR 166.200(c)(1)) prohibit Amoco from placing a structure in their preferred location because structures located within a fairway anchorage must be at least two nautical miles apart. The southwestern section of the fairway anchorage presently contains three production structures. With the requested modification, Amoco could obtain a drilling permit for their preferred location, State Tract 307L SE/4.

Amoco currently has a permit to drill the 14,000' wildcat well from a location in the northeastern section of the fairway anchorage which meets the two-mile spacing requirement. This is not the preferred location because it will require Amoco to drill a directional well at a

steep angle from their permitted surface location. Amoco feels that a directional hole will greatly increase their risk and significantly reduce their ability to successfully drill the well to its objective, as well as substantially increase the cost of the well. In light of this and the current economic climate, Amoco states they cannot justify the drilling of a well from the northeastern section.

The requested modification would open an area within the southwestern section of the fairway anchorage to exploration and production drilling without any spacing limitations. Amoco believes the adjustment is necessary and that present resource exploration and exploitation cannot be reasonably accommodated if the fairway anchorage is not changed. They believe the present estimated costs to directionally drill are not reasonable for oil and gas exploration in this immediate area.

Amoco suggested a specific alternative which would reconfigure, but not reduce the net size of, the Freeport Harbor Anchorage Area. They proposed that the 18.40 square miles of anchorage area deleted from the southwestern section be added to the northeastern section of the fairway anchorage.

Amoco contends that the requested modification would have a negligible effect, if any, on vessels seeking anchorage, because the southwestern section of the fairway anchorage is not presently used for anchoring. To support their contention, Amoco photographed the southwestern section of the fairway anchorage during the month of February 1988 and showed no ships anchored.

The Study

The port access route study area encompassed part of the present Freeport Harbor Safety Fairway, the existing and proposed Freeport Harbor Anchorage Areas, and part of adjacent safety fairways in the offshore approach to Freeport, Texas.

The port access route study involved contacts with other Federal agencies, state government officials, and representatives of a wide variety of interests in the area. Comments were specifically solicited from Federal, state and local agencies who have an interest in the accessibility to Freeport Harbor or the development of offshore oil leases in the area.

Uses of the Area

The Port of Freeport is known as the Star of the Mid-Coast because it is the most accessible port in the Gulf Coast, only 45 minutes from deep water via three miles of soon to be completed 45-

foot deep channel. The Port has direct connections to all inland rail, barge, and highway transportation systems. The Intracoastal Waterway intersects the harbor less than one mile from dockside and provides barge access to all the major river ports of mid-America.

The Freeport Harbor Anchorage Area is located approximately 3 square miles outside of the entrance to Freeport Harbor. The anchorage area consists of two sections, one on each side of the Freeport Harbor Safety Fairway. The southwestern section of the anchorage area consists of 51.6 square miles and the northeastern section has approximately 59.7 square miles.

The southwestern section currently has three production platforms located within the inshore half. The northeastern section has no structures, but two oil companies have permits to build structures. Amoco has a permit to build a structure on the inshore side of the northeastern section.

The Freeport Harbor Anchorage Area is the only anchorage serving the Port. The next closest anchorage area is in Galveston, approximately 40 miles northeast.

Dow Chemical reported that over 270 vessels per year use the Freeport Harbor Anchorage Area, but did not specify which section. Phillips 66 Company reported anchoring fifty vessels per year in the northeastern section, as close to the sea buoy as possible. Amoco reported that Jahre Shipping anchored approximately 61 vessels in the northeastern section of the anchorage in 1986 and 1987.

U.S. Army Corps of Engineers (COE) Dredging Projects and Planned Port Improvements

Freeport Harbor is in competition with the ports of Houston, Texas City, and Galveston to the north and east, and the ports of Matagorda and Corpus Christi to the south and west. In order to stay competitive, both dredging and port improvement projects are planned.

The COE General Design Memorandum for Freeport Harbor provides for deepening, realigning and enlarging the main channels and turning basins from existing depths of 36-feet to depths of 45-feet, and deepening the existing Brazos Harbor side channel and turning basin from a project depth of 30-feet to a depth of 36-feet. The 45-foot project is funded and a 50-foot depth, as authorized by Congress, is being pursued.

In conjunction with the COE deepening project, harbor improvements are planned which will develop 2,000 acres of port space and provide 25 additional 1,000 foot berths.

Study Data

Vessel traffic density data for the port access route study area was obtained from the U.S. Army Corps of Engineers Center for Waterborne Commerce, New Orleans, LA, and the Brazos Pilots' Association. The Coast Guard also reviewed COE environmental studies of the area containing data on weather conditions, including wind and tidal information, and seasonal conditions.

Vessel statistics compiled by the COE show that over the ten year period 1976-1986, Freeport handled an average of 577 vessels per year with drafts greater than 19 feet. The Brazos Pilots' Association reported an average of 1,157 ship movements per year over the ten year period 1978-1988.

Public Comments

Comments were received from State agencies, oil companies, a pilots' association, marine associations, and various local authorities.

The State of Texas General Land Office supports Amoco's request because it will have a positive effect on the development of minerals owned by the State.

Although it would affect one of Tenneco's active leases, Tenneco Oil Exploration and Production has no objection to Amoco's request as it would not impose an undue hardship on planned operations.

The Apache Corporation and Santa Fe Minerals, Inc. submitted letters stating "no objection" to Amoco's request.

Phillips 66 has no objection to Amoco's request. They feel that vessel operations can continue with the addition of Amoco's platform in the southwestern section of the anchorage area, but state that "any additional platforms would certainly be cause for concern". Phillips 66 is opposed to a drilling platform on Amoco's lease block in the northeastern section of the fairway anchorage. In addition, Phillips 66 requested that the Coast Guard consider establishing a precautionary zone with a three-mile radius around the most seaward channel buoy.

Keystone Shipping Company indicated their support for increased safety margins through improved port facilities. They caution that, in this case, improved access routes must take into consideration anchorage areas and lightering areas. They recognize energy requirements but feel they "must take a back seat to safe navigation in and out of U.S. Gulf ports."

The Brazos Pilots' Association (State and Federal Pilots serving Freeport, Texas) oppose Amoco's request. They agree with Amoco that the southwestern

section of the fairway anchorage is "drilled up" and that no more structures can be placed in this section without violating the two-mile spacing rule. The Pilots' feel that allowing even one more structure in the southwestern section would make it "useless and a virtual hazard to safe navigation. Prevailing current and winds make it imperative that areas adjacent to the fairways be kept uncluttered enough to allow safe navigation." Additionally, the Pilots requested that a precautionary zone be established around the seabuoy.

Cities Service Oil and Gas Corporation opposes Amoco's proposed relocation of the anchorage space because it would cover the greater part of their lease block 314, leased prior to the port access route study. The lease block is already partially covered by both the southwestern and northeastern sections of the fairway anchorage.

The Brazosport Economic Development Corporation, Port of Freeport, West Gulf Maritime Association, and Mobil Exploration and Producing U.S. Inc. are opposed to Amoco's request.

The Port of Freeport feels that the present anchorage areas are "marginally adequate" and once the 45-foot dredging project is complete, larger and less maneuverable vessels will be the norm. The Port of Freeport is "diametrically opposed" to changing the fairway anchorage to accommodate a drill rig, citing the future need for anchorage space and the continuing need for safe access to the Port.

The West Gulf Maritime Association refers to the southwestern section of the fairway anchorage as the "last safe haven" under prevailing wind conditions when mechanical problems force vessels into emergency procedures.

The Board of Navigation and Canal Commissioners of the Brazos River Harbor Navigation District and the Brazosport Chamber of Commerce passed resolutions requesting the Coast Guard to disapprove Amoco's request.

Discussion of Comments

The right of navigation is paramount in routing measures designated under the authority of the PWSA. The Coast Guard feels that the present fairway anchorage configuration allows for convenient, safe access to the Port. The study data indicates that larger, less maneuverable vessels and increased traffic will result when channel and harbor improvements are completed. With more ships entering the Port, it is expected that the southwestern section

of the fairway anchorage will have increased utility.

To promote a multiple use approach to offshore waters, the Coast Guard, as far as practicable, will try to minimize impacts on leases which were granted before a study is announced. Accordingly, Amoco's proposed alternative to relocate the 18.40 square miles of anchorage space from the southwestern section to the northeastern section of the fairway anchorage is not a viable alternative because it would place restrictions on the lease block owned by Cities Service Oil and Gas Corporation prior to the port access route study. The Coast Guard examined the study area to see if other locations were available to establish new anchorage areas without infringing upon existing leases. None are available at the present time due to existing structures and rights of current lease block owners.

The port access route study considered whether the requested modification of the fairway anchorage was necessary to recover potential hydrocarbon reserves which lie within the fairway anchorage. Amoco can access the resources, albeit at greater cost, from the northeastern section of the fairway anchorage via directional drilling. Therefore, modification of the fairway anchorage is not necessary because recovery of the resources is not precluded by the existing fairway anchorage boundaries and regulations.

As requested, consideration was given to establishing a precautionary zone around the channel buoy. The Coast Guard feels that at the present time there is sufficient space free from fixed navigational hazards for pilots to embark. Therefore, a precautionary zone is not needed at this time.

Findings

1. The Freeport Harbor Anchorage Area is an integral and necessary part of the fairway system that provides safe access to the Port of Freeport.
2. The number and size of vessels calling on Freeport is expected to increase when the dredging and port improvement projects are completed.
3. There are no acceptable alternative locations for designating new anchorage areas.
4. Amoco can access the resources from their lease block in the northeastern section without modifying the fairway anchorage.
5. Safety of navigation outweighs the additional costs associated with directional drilling from another lease block already owned by Amoco.
6. The Freeport Harbor Anchorage Area should remain as presently

configured to meet the needs of navigation safety (See 33 CFR 166.200(d)(9)).

Conclusion

The Coast Guard has concluded that the fairway anchorage, as presently configured, is an essential element of the fairway system in the Port of Freeport and will not be modified as requested by Amoco.

Dated: August 25, 1989.

R.T. Nelson,

Rear Admiral, U.S. Coast Guard, Office of Navigation Safety & Waterway Services.

[FR Doc. 89-20450 Filed 8-30-89; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AD90

Combined Ratings Table; Procedural Usage; Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) is correcting previously published information concerning procedural usage of the Combined Ratings Table.

EFFECTIVE DATE: July 28, 1989.

FOR FURTHER INFORMATION CONTACT:

Charles A. Fountaine III, Chief, Directives Management Division (70Y731), Paperwork Management and Regulations Service, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, (202) 233-2073.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 28, 1989 (54 FR 27161), VA published its regulations to eliminate an ambiguity regarding the stage at which disability evaluations are to be rounded in determining the combined degree of disability. In that final regulation, the amendatory language was incorrectly stated and is corrected.

List of Subjects in 38 CFR Part 21

Handicapped, Pensions, Veterans.

Dated: August 28, 1989.

Charles A. Fountaine,

Chief, Directives Management Division.

For the foregoing reason, the Department of Veterans Affairs hereby corrects the amendatory language in FR 89-15238 in the issue of June 28, 1989, on page 27161, middle column, to read as follows:

PART 4—[AMENDED]

In 38 CFR part 4 SCHEDULE OF RATING DISABILITIES, § 4.25 is amended by revising the introductory text, and adding paragraphs (a) and (b) preceding Table I, to read as follows:

* * * * *

[FR Doc. 89-20563 Filed 8-30-89; 8:45 am]

BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 246, Sub-No. 7]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services; 1989 Update

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is required by the regulations in 49 CFR 1002.3 to update user fees annually. The proposed 1989 user fees update was published on June 12, 1989 at 54 FR 24915. This final rule adopts those user fees.

In 1989, the Commission also conducted a cost study of various fee items to ensure that the fee for these items reflects current Commission costs for performing those services. Based on the review of the comments submitted in this proceeding, the Commission has decided to establish the 1989 filing fees for fee items (33)(ii), (38), (41), (55)(i-iii) and (64) at less than the fully distributed cost level. All other fees developed in the cost study are adopted here.

The Commission also adopts its proposal to establish the filing fee for Fee Item (60) and Fee Item (62)(i) complaint-type declaratory order at 10 percent of current costs and gradually to increase that fee by 10 percent each year until the fee reaches the fully distributed cost level.

The revised fee schedule is set forth below.

DATES: These rules are effective on September 29, 1989.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King, 202-275-7428. [TDD for Hearing Impaired: 202-275-1721.]

SUPPLEMENTARY INFORMATION: The Commission finds that the proposal to increase fees will not have a significant economic impact on a substantial number of small entities because the Commission's regulations provide for the waiver of filing fees when the required showing of financial hardship is established.

This decision will not have a significant impact upon the quality of the human environment or conservation of energy resources.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write, call, or pick-up in person from Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information and User fees.

Title 49 of the Code of Federal Regulation is amended as set forth below.

Decided: August 23, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley and Phillips. Chairman Gradison commented with a separate expression.

Noreta R. McGee,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A), 5 U.S.C. 553, 31 U.S.C. 9701 and 49 U.S.C. 10321.

§ 1002.1 [Amended]

2. In § 1002.1, the dollar amount of "\$18.00" in paragraph (b) is revised to read "\$19.00."

3. In § 1002.1, the dollar amount of "\$12.00" in paragraph (c) is revised to read "\$13.00."

4. In § 1002.1, the table in paragraph (f)(6) is revised to read as follows:

§ 1002. Fees for records search, review, copying, certification, and related services.

* * * * *

(f) * * *

(6) * * *

Grade	Rate	Grade	Rate
GS-1.....	\$5.55	GS-9.....	\$12.95
GS-2.....	6.04	GS-10.....	14.26
GS-3.....	6.81	GS-11.....	15.67
GS-4.....	7.64	GS-12.....	18.78
GS-5.....	8.55	GS-13.....	22.33
GS-6.....	9.53	GS-14.....	26.39
GS-7.....	10.59	GS-15 & over.....	31.04
GS-8.....	11.72		

5. In § 1002.2, paragraph (d)(3) is revised to read as follows:

§ 1002.2 Filing fees.

* * * * *

(d) * * *

(3) Separate fees will be assessed for the filing of temporary operating authority applications as provided in paragraphs (f) (8), (9) and (10) of this section, regardless of whether such applications are related to an application for corresponding permanent operating authority. A separate fee will be assessed for the filing of an application for temporary authority to operate a motor or water carrier as provided in paragraph (f)(24) of this section regardless of whether such application is related to a corresponding transfer proceeding as provided for in paragraph (f)(25) of this section or a notice of exemption as provided for in paragraph (f)(27) of this section.

* * * * *

6. In § 1002.2, paragraph (f) is revised to read as follows:

* * * * *

(f) Schedule of filing fees.

Type of Proceedings	Fees
Part I: Non-Rail Applications for Operating Authority or Exemptions	
(1) An application for motor carrier operating authority; a certificate of registration including a certificate of registration for certain foreign carriers; broker authority; water carrier operating or exemption authority; or household goods freight forwarder authority.....	\$200
(2) A fitness only application for motor common carrier authority under 49 U.S.C. 10922(b)(4)(E) or motor contract authority under 49 U.S.C. 10923(b)(5)(A) to transport food and related products.....	100
(3) A petition to interpret or clarify an operating authority under 49 CFR 1160.64.....	2,200
(4) A request seeking the modification of operating authority only to the extent of making a ministerial correction, when the original error was caused by applicant, a change in the name of the shipper or owner of a plantsite, or the change of a highway name or number.....	40
(5) A petition to renew authority to transport explosives under 49 U.S.C. 10922 or 10923.....	150
(6) An application to remove restriction or broaden unduly narrow authority under 49 CFR 1160.107-1160.114.....	250
(7) An application for authority to deviate from authorized regular route authority under 49 U.S.C. 10923(a).....	100

Type of Proceedings	Fees
(8) An application for motor carrier or water carrier temporary authority under 49 U.S.C. 10928(b).....	100
(9) An application for motor carrier emergency temporary authority under 49 U.S.C. 10928(c)(1).....	70
(10) An extension of the time period during which an outstanding application for emergency temporary authority as defined in 49 U.S.C. 10928(c)(1) may continue.....	19
(11) Request for name change of carrier, broker, or household goods freight forwarder.....	8
(12) A notice required by 49 U.S.C. 10524(b) to engage in compensated intercorporate hauling including an updated notice required by 49 CFR 1167.4.....	60
(13) A notice of intent to operate under the agricultural co-operative exemption in 49 U.S.C. 10526(a)(5).....	60
(14) [Reserved]	
(15) A joint petition to substitute applicant in a pending operating rights proceeding.....	22
(16) [Reserved]	
Part II: Non-Rail Applications to Discontinue Transportation	
(17) A notice or petition to discontinue ferry service under 49 U.S.C. 10908.....	9,000
(18) A petition to discontinue motor carrier of passenger transportation in one state.....	1,000
(19) [Reserved]	
Part III: Non-Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement	
(20) An application for the pooling or division of traffic.....	1,700
(21) An application involving the purchase, lease, consolidation, merger or acquisition of control of a motor or water carrier or carriers under 49 U.S.C. 11343.....	850
(22) An application for approval of a non-rail rate association agreement. 49 U.S.C. 10706.....	11,000
(23) An application for approval of an amendment to a non-rail rate association agreement.....	
(i) Significant amendment.....	1,800
(ii) Minor amendment.....	40
(24) An application for temporary authority to operate a motor or water carrier. 49 U.S.C. 11349.....	200
(25) An application to transfer or lease a certificate or permit, including a certificate of registration, and a broker's license or change of control of companies holding broker's license 49 U.S.C. 10926, or a transfer of a water carrier exemption authorized under 49 U.S.C. 10542 and 10544.....	200
(26) An application for approval of a motor vehicle rental contract. 49 CFR 1057.41(d).....	150
(27) A petition for exemption under 49 U.S.C. 11343(e).....	200
(28)-(32) [Reserved]	
Part IV: Rail Applications for Operating Authority	
(33) (i) An application for a certificate authorizing the construction, extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.....	2,900
(ii) Exempt transaction under 49 CFR 1150.31.....	1,000

Type of Proceedings	Fees	Type of Proceedings	Fees	Type of Proceedings	Fees
(34) Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(i).....	3,500	(iv) Exempt transaction [49 CFR 1080.2(d)].....	600	tions seeking such authority in connection with reduced rates established to relieve distress caused by drought or other natural disaster).....	450
(35) A Feeder Line Development Program application filed under 49 U.S.C. 10910(b)(1)(A)(ii).....	2,000	(v) Responsive application.....	2,500	(73) An application for special permission for short notice or the waiver of other tariff publishing requirements.....	50
(36)-(37) [Reserved]		(50) An application for a determination of fact of competition 49 U.S.C. 11321 (a)(2) or (b).....	29,600	(74) The filing of tariffs, rate schedules and contracts including supplements.....	(¹)
Part V: Rail Applications to Discontinue Transportation Services		(51) An application for approval of a rail rate association agreement. 49 U.S.C. 10706.....	27,900	(75) Special docket applications from rail and water carriers. (There is no fee for requests involving sums of \$25,000 or less).....	60
(38) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the North East Rail Service Act, bankrupt railroads or exempt abandonments under 49 CFR 1152.50).....	3,000	(52) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706		(76) Informal complaint about rail rate application.....	200
(39) An application for authority to abandon all or a portion of a line of railroad or operation thereof filed by Consolidated Rail Corporation pursuant to North East Rail Service Act.....	150	(i) Significant amendment.....	5,200	(77) (i) An application for original qualification as self-insurer for bodily injury and property damage insurance (BIPD).....	3,000
(40) Abandonments filed by bankrupt railroads. 49 CFR 1152.40.....	750	(ii) Minor amendment.....	40	(ii) An application for original qualification as self-insurer for cargo insurance.....	300
(41) Exempt abandonments. 49 CFR 1152.50.....	1,500	(53) An application for authority to hold a position as officer or director. 49 U.S.C. 11322.....	300	(78) A service fee for insurer, surety or self-insurer accepted certificate of insurance, surety bond other instrument submitted in lieu of a broker surety bond. The fee is based on a formula of \$10 per accepted certificate of insurance or surety bond as indication of ICC insurance activity. (There is a \$50 annual minimum; but the minimum does not apply to an instrument submitted in lieu of a broker surety bond).....	(²)
(42) A notice or petition to discontinue passenger train service.....	9,000	(54) (i) An application to issue securities; an application to assume obligation or liability in respect to securities of another; an application or petition for modification of an outstanding authorization; or an application for competitive bidding requirements of <i>Ex Parte</i> No. 158, 49 CFR 1175. 49 U.S.C. 11301.....	1,300	(79) A petition for waiver of any provision of the lease and interchange regulations. 49 CFR 1057.....	300
(43) [Reserved]		(ii) An exempt transaction under 49 CFR 1175.....	600	(80) A petition for reinstatement of revoked operating authority.....	50
Part VI: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement		(55) A petition for exemption (other than a rulemaking) filed by rail carriers. 49 U.S.C. 10505		(81)-(82) [Reserved]	
(44) An application for use of terminal facilities or other applications under 49 U.S.C. 11103.....	7,600	(i) Financial exemption petitions.....	2,500	(83) Petition for reinstatement of a dismissed operating rights application.....	300
(45) An application for the pooling or division of traffic. 49 U.S.C. 11342.....	4,100	(ii) Abandonment exemption petitions.....	2,000	(84) Filing of documents for recordation. 49 U.S.C. 11303 and 49 CFR 1177.3(c).....	(³)
(46) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11343.....		(iii) Other exemption petitions.....	1,100	(85) Valuations of railroad lines in conjunction with purchase offers in abandonment proceedings.....	1,100
(i) Major transaction.....	148,200	(56) An application for forced sale of bankrupt railroad lines. 49 CFR 1180.40-49, 45 U.S.C. 915.....	1,500	(86) Informal opinions about rate applications (all modes).....	40
(ii) Significant transaction.....	29,600	(57)-(59) [Reserved]		(87)-(95) [Reserved]	
(iii) Minor transaction.....	2,500	Part VII: Formal Proceedings		Part IX: Services	
(iv) Exempt transaction [49 CFR 1080.2(d)].....	600	(60) A complaint alleging unlawful rates or practices of carriers, property brokers or freight forwarders of household goods.....	500	(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent.....	(⁴)
(v) Responsive application.....	2,500	(61) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates, fares or charges. 49 U.S.C. 10705(f)(1)(A).....	3,500	(97) Request for service list for proceedings.....	(⁵)
(47) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11343.....		(62) A petition for declaratory order		(98) Requests for copies of the one-percent carload waybill sample.....	100
(i) Major transaction.....	148,200	(i) A petition for declaratory order involving dispute over an existing rate or practice which is comparable to a complaint proceeding.....	600	(99) Verification of surcharge level pursuant to <i>Ex Parte</i> No. 389, Procedures for Requesting Rail Variable Cost & Revenue Determination for Joint Rates Subject to Surcharge or Cancellation.....	(⁶)
(ii) Significant transaction.....	29,600	(ii) All other petitions for declaratory order.....	1,100	(100) Application fee for Interstate Commerce Commission Practitioners' Exam.....	70
(iii) Minor transaction.....	2,500	(63) Requests for nationwide and regional collectively filed general rate increases and major rate restructures accompanied by supporting cost and financial information justifying the increases.....	6,100		
(iv) Exempt transaction [49 CFR 1080.2(d)].....	600	(64) A petition for exemption from filing tariffs by bus carriers.....	200		
(v) Responsive application.....	2,500	(65) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A).....	2,800		
(48) An application to acquire trackage rights over, joint ownership in, or joint use of, any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11343.....		(66) Petition for review of state regulation of intrastate rates, rules or practices filed by interstate rail carriers. 49 U.S.C. 11501.....	1,000		
(i) Major transaction.....	148,200	(67) Petition for review of state regulation of intrastate rates, rules or practices filed by interstate bus carriers. 49 U.S.C. 11501.....	1,700		
(ii) Significant transaction.....	29,600	(68)-(71) [Reserved]			
(iii) Minor transaction.....	2,500	Part VIII: Informal Proceedings			
(iv) Exempt transaction [49 CFR 1080.2(d)].....	600	(72) An application for authority to establish released value rates or ratings under 49 U.S.C. 10730 (Except that no fee will be assessed for applica-			
(v) Responsive application.....	2,500				
(49) An application of a carrier or carriers to purchase, lease or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11343.....					
(i) Major transaction.....	148,200				
(ii) Significant transaction.....	29,600				
(iii) Minor transaction.....	2,500				

¹ 8 per series transmitted.
² 10 per accepted certificate or other instrument submitted in lieu of a broker surety bond.
³ 15 per document.
⁴ 11 per delivery.
⁵ 8 per list.
⁶ 15 per movement verified.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 32 and 33

RIN 1018-AB25

Addition of Three National Wildlife Refuges to the Lists of Open Areas for Migratory Game Bird and Big Game Hunting, and One to the List for Sport Fishing**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is adding three national wildlife refuges (NWRs) to the lists of open areas for migratory game bird and/or big game hunting, and one NWR to the list for sport fishing. The Service has determined that such uses will be compatible with and, in some cases, enhance the major purposes for which each refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with the principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities.

EFFECTIVE DATE: August 31, 1989.**FOR FURTHER INFORMATION CONTACT:**

Larry LaRochelle, Division of Refuges, MS 670-ARLSQ, U.S. Fish and Wildlife Service, 18th and C Streets NW., Washington, DC 20240; Telephone (703) 358-2036.

SUPPLEMENTARY INFORMATION: National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the major purpose(s) for which the refuge was established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking opens three refuges to hunting and one to sport fishing.

On May 12, 1989, at 54 FR 20623, the Service published a proposed rule to open three NWRs to hunting and one to sport fishing. Department of the Interior policy is, whenever practicable, to

afford the public an opportunity to participate in the rulemaking process. Accordingly, written comments received on the proposed rule are addressed in the following section.

Responses to Comments Received

Written comments on the proposed rule were received from 163 parties. Many categorically supported or opposed the proposed actions or hunting in general. Several comments were similar or identical to those received on previous proposed rulemakings opening refuges to hunting and/or fishing contending generically that hunting on refuges is illegal, not in the spirit for which refuges are created, violates the Endangered Species Act, or is not in compliance with the National Environmental Policy Act or various other laws or regulations. These issues have been addressed by the Service—see, e.g., 51 FR 30655 of August 28, 1986, the final rule opening seven refuges to hunting and 11 to sport fishing, and the Service will not here repeat its responses given in that rulemaking, but is instead incorporating those responses here by this reference.

Substantive comments on issues not already addressed in hunting and fishing plans, Environmental Assessments or section 7 Endangered Species Act consultations (all of which were available for public review during the comment period) are responded to below:

The following seven issues concern the deer hunt at the Mason Neck NWR:

Issue: The general health of the deer herd is good and its numbers are not great enough to warrant a public hunt. However, if some animals must be killed, it should not be by public sport hunting but by professional archers or State or Service personnel.

Response: The general health of the deer herd is not good, as indicated by the professionally accepted indicator known as an abomasal parasite count (APC). The APC provides an index of the status of deer density with regard to the nutritional carrying capacity of their habitat. Normally, an APC of 500 is regarded as reflective of a deer population at its optimum carrying capacity and an APC of 1,500 indicates an overpopulation by a herd. The APC of 818 found in a 1986 survey of the Mason Neck NWR indicated the herd was approaching carrying capacity and could require control in two years. The results of an August 1988 survey set the APC at 1,288 indicating a herd that is at the upper level of its carrying capacity and should not be allowed to increase. Overall, the 1988 deer were not in good

body condition, were of light weight for their age class and had low fat reserves. The development of a prominent browse line during the winter of 1987-88, a die-off of deer on the refuge and adjacent park lands in the spring of 1988, and spotlight surveys during the summer of 1988 are also all indicators of an overpopulation.

The biological carrying capacity of the refuge is estimated at 90-120 deer, the population is now estimated at 185-235 deer. As early as 1977 biologists noted severe deer browsing problems on tree seedlings at a time when the population was estimated at 187. Current information suggests that a mature forest consisting of a mixture of pines and hardwoods is the forest type preferred by nesting eagles. During 1980-86, eagles in the Chesapeake Bay area selected pine trees for their nests over 70% of the time. Without active forestry management and control of white-tailed deer browsing of seedlings and other understory, the refuges' pine forest will not be able to regenerate. Reducing the present deer population to its carrying capacity is expected to result in better seedling and young tree survival, especially of pines that should eventually provide roosting sites for eagles, and is therefore expected to be beneficial to the conservation of the bald eagle.

The Service recognizes sport hunting as an acceptable, traditional form of wildlife-oriented recreation that can also be used as a management tool to effectively manipulate wildlife population levels. The primary objective of refuge hunting programs is to provide the general public with a quality recreational experience and an opportunity to utilize a renewable resource; having professionals kill the animals would deny the public of that opportunity.

The Service endorses the generally held principle that hunting need not be allowed only when wildlife populations are so high that harvest is necessary to protect a species from the impacts of its own excessive numbers. To delay harvesting until populations reach maximum carry capacity risks habitat damage, disease, unnecessary suffering and population crashes. Game species in suitable habitat will produce harvestable surpluses which can be taken regularly without affecting desired population levels. Refuge hunting programs are monitored and, if necessary, adjusted to achieve desired populations.

The Service believes that the hunting plans and environmental assessments available for public review during the comment period contain adequate biological and management information to support its decisions to conduct the described hunts.

Issue: Sport hunting will reduce the number of deer naturally dying that are important carrion to eagles; this at a time when fish, another important eagle food source, are dying out in the refuge area. There is also a lead poisoning risk to eagles feeding on carcasses of deer killed by buckshot but not recovered by hunters.

Response: The Service has no evidence of eagles feeding on deer carrion at this refuge. Of the several hundred eagle nests of the Chesapeake Bay population examined for food remains from 1977 through 1986 there have been only two occurrences of deer, one from Dorchester County, Maryland, was tentatively identified as either white-tailed or sika deer, the other, from Saint Marys' County, Maryland was identified as white-tailed deer. The possibility of lead poisoning of eagles due to feeding on deer carrion from this hunt is highly unlikely. Therefore, opening Mason Neck NWR to deer hunting is not inconsistent with the conservation of bald eagles.

The Service is unaware of fish die-offs or declining populations in the area.

Issue: Refuge staff or the use of privately-owned 4 x 4 vehicles to recover deer from areas closed to the general public would add to disturbance and the hunt in general will create disturbance that will cause the eagles to abandon the area.

Response: Refuge staff, possibly with the assistance of designated hunters or their vehicles may, in rare cases, need to assist in recovering a deer from a difficult or closed area or for a handicapped hunter. In such instances, disturbance will be held to a minimum. Although access to the area where the archery hunt will be held will continue to be available only to researchers, guided tours and holders of special use permits in order to better protect the eagle nesting and natal area, trails in the gun hunt area have been open to the general public on a year-round basis since 1988 and will continue to be so opened except on hunting days.

Issue: Making the eagle nest location known to hunters will increase the potential for disturbance.

Response: The general location of the present eagle nest has been known to many people from maps and knowledgeable persons for some time without having resulted in intentional harassment. The nest area is protected

by a closure to the general public some 4,000 feet in diameter and is so posted. Hunters will be made aware of the general location of the nest area in order to better avoid it.

Issue: The noise from firearms discharging during the hunt will violate the "special noise abatement policy for public lands in the greater Mason Neck Area."

Response: The Bald Eagle Recovery Team as well as the Service's Endangered Species Specialist have concluded that the hunt as planned will not negatively affect the bald eagle population. The referenced "policy" is in fact a simple, verbal agreement amongst the several public land managers in the area to limit, to the extent practical, primarily chain saw use during the December through March period. Therefore, there would be no violation of this agreement.

Issue: The hunt would occur at a time when migrating bald eagles are arriving to overwinter and when resident eagles are beginning breeding activities.

Response: Deliberate zoning constraints and time limitations have been incorporated into the hunt plan to minimize the potential for disturbance of the eagles. The eagle nesting area is located within the archery hunting zone, however, hunting would end about one month before the start of the nesting season. Both the eagle roosting and the nesting area will be closed to hunting.

Issue: Insufficient attention has been given to the effect of the hunt on other wildlife.

Response: Disturbance of other wildlife especially waterfowl and raptors is expected to be minimal because their prime habitat is closed to hunting or not likely to be frequented by deer hunters.

Issue: The Mason Neck and Trustom Pond NWR's should not be closed to the public during hunting season.

Response: The Service believes it is prudent to close the 52 acre hunting area at Trustom Pond NWR during the hunting season and the entire Mason Neck NWR for nine days to the general public during the gun hunting season in consideration of safety aspects and to avoid conflicts between hunters and the general public. However, the schedule for the Mason Neck NWR deer hunt has been designed so that hunting will be permitted only on weekdays when there is less use by the general public. The refuge will remain open to the general public except for the nine weekdays when gun hunting will occur.

Conformance With Statutory and Regulatory Authorities The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSA) (16

U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460K) govern the administration and public use of national wildlife refuges. Specifically, section 4(d)(1)(A) of the NWRSA authorizes the Secretary to permit the use of any area within the Refuge System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the major purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary.

The Refuge Recreation Act gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established. In addition, prior to opening refuges to hunting or fishing under this Act, the Secretary is required to determine that funds are available for the development, operation, and maintenance of these permitted forms of recreation.

In accordance with the NWRSA and the Refuge Recreation Act, the Secretary has determined that opening the refuges listed below to hunting and fishing is compatible and will not interfere with the primary purposes for which each was established, and that funds are available to administer the programs. The hunting and fishing programs will be within State and Federal (migratory game bird) regulatory frameworks. A discussion of the compatibility of the hunting and fishing programs with the purpose(s) for which each refuge was established and the availability of funding for each program, was discussed in the proposed rule, referenced above.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include

small businesses, organizations or governmental jurisdictions.

It is estimated that opening these refuges to hunting and fishing will generate approximately 6,650 annual visits. Using data from the 1980 National Survey of Hunting, Fishing, and Wildlife-Associated Recreation, and the 1988 Economic Report of the President (Consumer Price Index), total annual receipts generated from purchases of food, transportation, hunting equipment, fishing gear, fees, and licenses associated with these programs are expected to be approximately \$199,533, or substantially less than \$100 million. In addition, since these estimated receipts will be spread over four states, the implementation of this rule should not have a significant economic impact on the overall economy, or a particular region, industry, or group of industries, or level of government.

With respect to small entities, this rule will have a positive aggregate economic effect on small businesses, organizations, and governmental jurisdictions. The openings will provide recreational opportunities and generate economic benefits that may not now exist, and will impose no new costs on small entities. While the number of small entities likely to be affected is not known, the number is judged to be small. Moreover, the added cost to the Federal government of law enforcement, posting, etc., needed to implement activities under this rule will be considerably less than the income generated from the implementation of these hunting and/or sport fishing programs.

Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

The Service has approval from the Office of Management and Budget (OMB) for the information collection requirements of these regulations pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements are presently approved by OMB as cited below:

Type of information collection	OMB Approval No.
Economic and public use permits	1018-0014

These regulations impose no new or additional reporting or recordkeeping

requirements that must be cleared by OMB.

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" [FES 76-59] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the Federal Register on November 19, 1976 [41 FR 51131]. Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)], environmental assessments (EAs) were prepared for these refuge openings. Alternatives other than public sport hunting, including live trapping and relocation, introduction of predators, increased habitat management, chemical sterilization, population reduction by refuge staff, and no-action were considered and dismissed as not meeting refuge requirements. Based upon the EAs, the Service issued Findings of No Significant Impact with respect to the openings. Section 7 evaluations were prepared, where appropriate, pursuant to the Endangered Species Act. The Service has concluded that the opening of these refuges will not affect endangered or threatened species.

In view of the rapidly approaching hunting seasons, there is an immediate need to place these regulations into effect. It is Service policy to conduct hunting within the framework of State laws, regulations and seasons. To delay opening the refuges to hunting may cause confusion to the public, deny a benefit to the public and small related businesses and would not be in the best interest of the Service or the public. Thus the Department of the Interior concludes that good cause exists within the meaning of 5 U.S.C. 553(d)(3) of the Administrative Procedures Act to make these regulations effective upon publication in the Federal Register.

Larry LaRochelle, Division of Refuges, U. S. Fish and Wildlife Service, Washington, DC 20240, is the primary author of this rulemaking document.

List of Subjects

50 CFR Part 32

Hunting, National Wildlife Refuge System, Wildlife, Wildlife refuges.

50 CFR Part 33

Fishing, National Wildlife Refuge System, Wildlife refuges.

Accordingly, parts 32 and 33 of chapter I of title 50 of the Code of Federal Regulations are amended as set forth below:

PART 32—[AMENDED]

1. The authority citation for Part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

2. Section 32.11 is amended by adding Trustum Pond NWR, RI, alphabetically by State as follows:

§ 32.11 List of open areas; migratory game birds.

* * * * *

Rhode Island

Trustum Pond National Wildlife Refuge

* * * * *

3. Section 32.31 is amended by adding Quivera NWR, KS and Mason Neck NWR, VA alphabetically by State as follows:

§ 32.31 List of open areas; big game.

* * * * *

Kansas

* * * * *

Quivera National Wildlife Refuge

* * * * *

Virginia

Mason Neck National Wildlife Refuge

* * * * *

4. Section 32.41 is amended by revising the language following the chart to read as follows:

§ 32.41 [Amended]

* * * * *

The information requested in the application form is purely voluntary but failure to answer questions may jeopardize the eligibility of individuals to receive permits. Public reporting burden for the form is estimated to average six minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

These regulations impose no new or additional reporting or recordkeeping requirements that must be cleared by the Office of Management and Budget. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established.

PART 33—[AMENDED]

1. The authority citation for Part 33 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460K, 664, 668dd, 715i.

2. Section 33.2(e) is amended by revising the language following the chart to read as follows:

§ 33.2 [Amended]

* * * * *

The information requested in the application form is purely voluntary but failure to answer questions may jeopardize the eligibility of individuals to receive permits. Public reporting burden for the form is estimated to average six minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form.

These regulations impose no new or additional reporting or recordkeeping requirements that must be cleared by the Office of Management and Budget. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established.

3. Section 33.4 is amended by adding Lake Ophelia NWR, LA, alphabetically by State as follows:

§ 33.4 List of open areas; sport fishing.

Louisiana

Lake Ophelia National Wildlife Refuge

Dated: August 8, 1989.

John F. Turner,

Director, Fish and Wildlife Service.

[FR Doc. 89-20482 Filed 8-30-89; 8:45am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 80990-9187]

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule.

SUMMARY: NOAA amends the regulations for the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) to reduce the area of the Tortugas shrimp sanctuary that is temporarily open to trawl fishing. This action is intended to prevent conflicts between fishermen operating mobile gear (trawls) and fixed gear (lobster traps) while still allowing trawl fishermen to harvest marketable-size shrimp from a small area of the Tortugas shrimp sanctuary and allowing trap fishermen to harvest spiny lobster from an area customarily available to them.

EFFECTIVE DATE: August 6, 1989, through November 3, 1989.

ADDRESSES: Copies of the environmental assessment may be

obtained from Michael E. Justen, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The shrimp fishery is managed under the FMP and its implementing regulations at 50 CFR part 658, as provided by the Magnuson Fishery Conservation and Management Act (Magnuson Act). Under the FMP, the Director, Southeast Region, NMFS, (Regional Director) may modify by no more than 10 percent the geographical scope of the Tortugas shrimp sanctuary specified at § 658.22 after (1) consultation with the Gulf of Mexico Fishery Management Council (Council), (2) consideration of specified criteria, and (3) determination that benefits may be increased or adverse impacts decreased by the modification.

In accordance with these criteria, the Regional Director reduced the geographical scope of the Tortugas shrimp sanctuary by approximately 54 square nautical miles from November 4, 1988, through February 2, 1989 (53 FR 45270, November 9, 1988) and from May 22, 1989, through November 3, 1989 (54 FR 16123, April 21, 1989). The supporting rationale for the reductions was contained in the above cited rules and is not repeated here.

When the Council considered opening a portion of the Tortugas shrimp sanctuary to shrimp trawling, the probability of conflicts between mobile gear and fixed gear fishermen was unforeseen. In fact, public testimony before the Council in July of 1988 specifically indicated that traps were not fished in the portion of the sanctuary proposed to be opened. That testimony has proved to be incorrect.

Spiny lobster trap fishermen have traditionally set their gear in portions of the Tortugas shrimp sanctuary that are now open to trawling. Catch rates of lobster in those portions have been relatively high, particularly early in the spiny lobster season. The fishing season for spiny lobster reopens on August 6, 1989, and the soak period for traps begins one hour before sunrise on August 1. The deployment of traps in areas where trawling is permitted causes difficulties for trawlers and costly gear losses for trap fishermen.

The Council has found that the potential for conflicts and resultant loss of income based on these circumstances constitutes an emergency. The Secretary of Commerce (Secretary) concurs. Accordingly, the Secretary is promulgating this emergency interim rule to be effective for 90 days, as authorized by section 305(e)(3)(B) of the Magnuson Act.

To avoid conflicts and economic losses, the local shrimp and spiny lobster fishermen have agreed to a geographical separation of trawling and trap fishing. Shrimp trawlers have agreed to refrain from trawling in that portion of the previously opened Tortugas shrimp sanctuary east of 82°01' W. longitude. In effect, the opened portion of the sanctuary would be reduced by approximately 33 square nautical miles. This emergency rule formalizes the local agreement among fishermen and announces it to shrimp fishermen not otherwise privy to it, such as trawl fishermen from other areas who may fish seasonally in the area of the Tortugas shrimp sanctuary. Without this rule, trap fishermen would be subject to gear losses if they set traps in the opened portion of the Tortugas shrimp sanctuary and would potentially have reduced catches if they refrained from setting gear in that formerly productive area.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the national standards and other provisions of the Magnuson Act and other applicable law.

The Assistant Administrator finds that notice and opportunity for public comment are impracticable and contrary to the public interest pursuant to section 553(b)(B) of the Administrative Procedure Act because of the necessity to prevent conflicts and to provide timely economic relief to spiny lobster trap fishermen. The Council received input for this rule from a significant portion of the fishermen, both trawl fishermen and trap fishermen, directly affected by this rule. The Assistant Administrator also finds for good cause, namely, to prevent conflicts and to provide necessary timely economic relief to spiny lobster trap fishermen, that it is not necessary to delay for 30 days the effective date of this rule pursuant to section 553(d)(3) of the Administrative Procedure Act.

Because of the emergency need for implementation of this rule on August 6, 1989, it is exempt from the normal review procedures of E.O. 12291, as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order.

This rule is exempt from the procedures of the Regulatory Flexibility

Act because it is issued without opportunity for prior public Comments.

NOAA prepared an Environmental Assessment (EA) for this rule and, based on the EA, the Assistant Administrator concluded that there will be no significant impact on the human environment as a result of this rule. Copies of the EA are available (see ADDRESS).

This rule does not contain a collection-of-information requirement and therefore is not subject to the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Florida. This determination has been submitted for review by Florida under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 653

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 25, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 658 is amended as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

1. The authority citation for Part 658 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 658.22, effective from August 6, 1989, through November 3, 1989, paragraph (b) is revised to read as follows:

§ 658.22 Tortugas shrimp sanctuary

(b) The provisions of paragraph (a) of this section notwithstanding, effective from August 6, 1989, through November

3, 1989, that part of the Tortugas shrimp sanctuary seaward of a line connecting the following points is open to trawl fishing: from point T at 24°47.8' N. latitude, 82°01.0' W. longitude (the intersection of 82°01.0' W. longitude and the sanctuary boundary line from point F to point G) to point U at 24°43.83' N. latitude, 82°01.0' W. longitude (the intersection of 82°01.0' W. longitude and the line denoting the seaward of Florida's waters); thence along the seaward limit of Florida's waters, as shown on the current edition (March 21, 1987) of NOAA chart 11439, to point R at 24°44.7' N. latitude, 82°10.0' W. longitude; thence north to point S at 24°44.7' N. latitude, 82°10.0' W. longitude; thence north to point S at 24°45.1' N. latitude, 82°10.0' W. longitude (the intersection of 82°10.0' W. longitude and the sanctuary boundary line from point F to point G) (see Figure 2).

3. Effective from August 6, 1989, through November 3, 1989, Figure 1 is suspended and a new Figure 2 is added to read as follows:

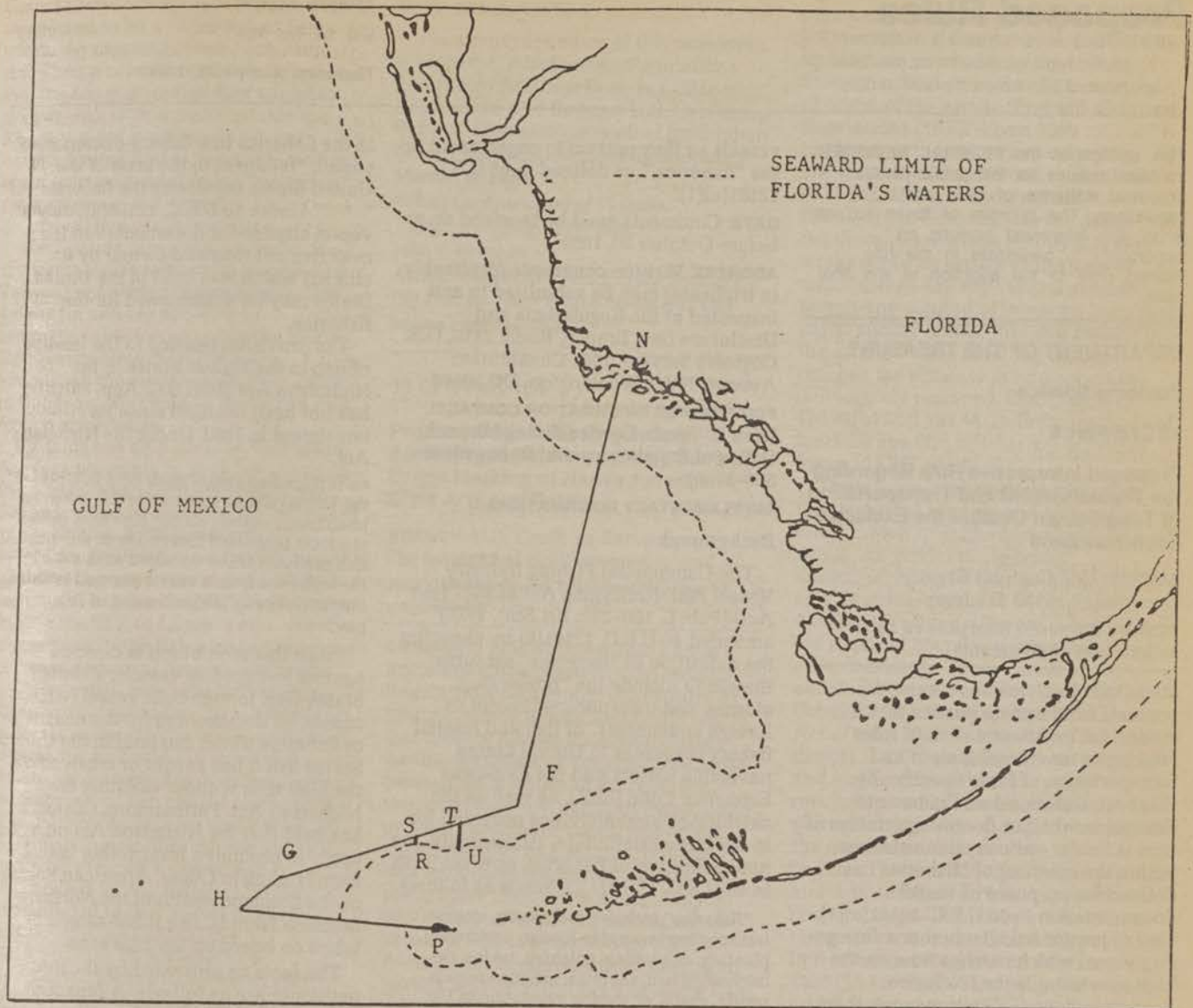


FIGURE 2. TORTUGAS SHRIMP SANCTUARY

[FR Doc. 89-20467 Filed 8-25-89; 4:59 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 54, No. 168

Thursday, August 31, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Proposed Interpretive Rule Regarding the Transshipment and Transportation of Tuna Caught Outside the Exclusive Economic Zone

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed interpretive rule; solicitation of comments.

SUMMARY: Customs has received requests from certain parties that it reconsider its interpretation of rules relating to the transshipment and transportation of tuna. Specifically, these requestors asked Customs to determine whether the transportation of tuna is, under various circumstances, within the meaning of "fisheries" as defined for purposes of vessel documentation in 46 U.S.C. 12101(a)(1). One requestor asked whether a foreign-flag vessel which catches tuna on the high seas outside the Exclusive Economic Zone (EEZ), transports them to a point within the EEZ but outside the U.S. territorial waters, and off-loads the tuna onto a U.S.-flag vessel has transported such fish within the meaning of section 12101(a)(1). A U.S. importer also requested a ruling on whether a foreign-flag vessel which catches tuna on the high seas outside the EEZ, transports the fish through the EEZ and U.S. territorial waters, and lands its fish in Guam, has transported the fish as defined in section 12101(a)(1).

Customs must determine whether a vessel not documented for the fisheries has engaged in the fisheries when it transports fish it caught on the high seas outside the EEZ through the EEZ and the territorial waters. A related issue is whether such a vessel may transport, through the EEZ and territorial waters, fish transferred to it on the high seas.

This document invites comments with respect to the operations of the above

vessels as they pertain to engagement in the "fisheries," as defined in 46 U.S.C. 12101(a)(1).

DATE: Comments must be received on or before October 30, 1989.

ADDRESS: Written comments (preferably in triplicate) may be submitted to and inspected at the Regulations and Disclosure Law Branch, Room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Glen E. Vereb, Carrier Rulings Branch, Office of Regulations and Rulings (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (the Act) (Pub. L. 100-239; 101 Stat. 1778) amended 46 U.S.C. 12101(6) by changing the definition of "fisheries" set forth therein to include the "processing, storing, and transporting (except in foreign commerce)" of fish and related fishery resources in United States navigable waters and the Exclusive Economic Zone (EEZ), as well as the catching-related activities provided for in the former definition. Accordingly, the new definition of fisheries, now set forth in 46 U.S.C. 12101(a)(1) reads as follows:

"fisheries" includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

The states primary purpose of the Act was to prohibit the reflagging of foreign-built processing vessels as vessels of the United States for operation in the domestic fisheries under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1811, *et seq.*) (FCMA). The Act was to further "the fundamental purposes of the [FCMA] by displacing foreign-built with domestically-built fishing industry vessels in U.S. fisheries." The Act was intended to "harmonize" or "reconcile" differences between fisheries and maritime law. In the House Report on this Act (H.R. Rep. No. 100-423, 100th Cong., 1st Sess. (1987) published at 1987 U.S.C.C.A.N. 3245), this was described as "the genesis of the legislation."

Section 12108(b) of Title 46 of the United States Code limits employment

in the fisheries to a fishery-documented vessel, "[s]ubject to the laws of the United States regulating the fisheries * * * Under 46 U.S.C. 12108(a), only a vessel eligible for documentation (i.e., over five net tons and owned by a citizen) which was built in the United States may be documented for the fisheries.

The provision relating to the landing of fish in the United States in the Nicholson Act (46 U.S.C. App. 251(a)) has not been changed since its enactment in 1950. Under the Nicholson Act,

no foreign-flag vessel shall land in a port of the United States its catch of fish taken on board such vessels on the high seas or fish products processed therefrom, or any fish or fish products taken on board such vessel on the high seas from a vessel engaged in fishing operations or in the processing of fish or fish products.

Since this prohibition is directed against foreign-flag vessels, a United States-flag, foreign-built vessel (which cannot be documented for the coastwise or fisheries trade) can land in the United States fish it has caught or received on the high seas without violating the Nicholson Act. Furthermore, Customs has held that the Nicholson Act does not apply to prohibit a foreign-flag vessel from landing in Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, fish it has caught or taken on board on the high seas.

The facts as presented by the first petitioner are as follows: A Japanese fishing vessel longlines for yellow fin or big-eye tuna in international waters outside the 200-mile EEZ. Upon completing its fish-catching operations, the vessel travels toward Hawaii and unloads its tuna within the EEZ, but outside the three-mile United States territorial waters, on a United States-owned and documented vessel. The United States vessel is owned by a duly incorporated business in the State of Hawaii with 75 percent ownership by United States citizens and 25 percent ownership by foreigners. The vessel was built in the United States and its previous owners were all United States citizens. The United States vessel then unloads its cargo of tuna in Honolulu. Approximately 80 percent of the cargo is shipped by air to Japan. The remaining 20 percent is sold locally.

It is apparent that the transshipment to the United States vessel outside

United States territorial waters is not considered to be a "landing" of fish within the meaning of the Nicholson Act. The petitioners contend, however, that the use of a foreign-flag vessel to transport fish from a point outside the EEZ to a point inside the EEZ, but outside United States territorial waters, is not an engagement in the "fisheries," for purposes of the vessel documentation requirements.

The facts as presented by the second requestor are as follows: Japanese and Taiwanese fishing vessels longline for yellow fin and big eye tuna in international waters outside the EEZ. Upon completing their fishing operations, the vessels land their catch in Guam and it is sold to American and foreign enterprises.

Customs has held that the Nicholson Act does not apply to prohibit a foreign-flag vessel from landing in Guam fish that vessel has caught or taken on board on the high seas. Customs must determine, however, whether the use of a foreign-flag vessel to transport fish it has caught outside the EEZ from a point outside the EEZ to Guam is an engagement in the fisheries for purposes of vessel documentation requirements.

Customs will also consider whether the following constitute an engagement in the fisheries: (1) The transportation through the EEZ and the territorial waters, by a vessel not documented for the fisheries, of fish caught on the high seas outside the EEZ by that vessel; (2) the transportation through the above described area, by a vessel not documented for the fisheries, of fish transshipped to that vessel on the high seas outside the EEZ; (3) the transportation, by a vessel not documented for the fisheries, of fish caught by that vessel on the high seas to a point in the EEZ where the fish are transshipped to vessel documented for the fisheries.

Comments

Before making a determination on these matters, Customs invites written comments from interested parties on the above issues. The requests for reinterpretation received by Customs, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 52) and Section 1.6, Treasury Department Regulations (31 CFR 1.6), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Room 2119, Customs Headquarters, 1301 Constitution Avenue NW., Washington, DC.

Drafting Information

The principal author of this document was Joseph J. DeSanctis, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Michael H. Lane

Acting Commissioner of Customs.

Approved: August 14, 1989.

John P. Simpson

Acting Assistant Secretary of the Treasury.

[FR Doc. 89-20533 Filed 8-30-89; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 134

Proposed Customs Regulations Amendment Relating to the Country of Origin Marking of Native American- Style Arts and Crafts

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Proposed rule; solicitation of
comments.

SUMMARY: This document sets forth a proposed amendment to the Customs Regulations concerning the country of origin marking of arts and crafts which incorporate Native American design motifs, materials or construction. More permanent methods of marking are proposed than are currently required to prevent removal of country of origin markings after importation, but before sale to consumers, thereby preventing the articles from being deceptively or mistakenly offered and purchased as actual products produced by Native Americans. Comments from interested parties will be considered before a final rule is issued.

DATES: Comments must be received on or before October 2, 1989.

ADDRESSES: Comments (preferably in triplicate) may be submitted to and inspected at the Regulations and Disclosure Law Branch, Room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Lorrie Rodbart, Value, Special Programs and Admissibility Branch, (202) 566-5765.

SUPPLEMENTARY INFORMATION:

Background

Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), requires, subject to certain specified exceptions, that every article of foreign origin imported into the United States shall be permanently marked in a conspicuous place as legibly, indelibly, and

permanently as the nature of the article will permit in a manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. Part 134, Customs Regulations (19 CFR part 134), implements the country of origin marking requirements and exceptions of 19 U.S.C. 1304. Although 19 CFR 134.41(a) provides that the marking requirements are best met by marking worked into an article at the time of manufacture, the regulations generally permit any method of marking, including paper sticker labels, that will remain on the article during handling until it reaches the ultimate purchaser unless deliberately removed. See 19 CFR 134.41(b) and 134.44. Definite methods of marking specific articles are provided for in 19 CFR 134.43.

There have been various concerns that imported jewelry and arts and crafts which look like genuine Native American products are being deceptively or mistakenly offered for sale as actual products of Native Americans after deliberate removal of the required country of origin labels or other markings. These concerns were addressed in section 1907(c) of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418). That Act directs the Customs Service to prescribe and implement within one year regulations which require indelible and permanent country of origin marking, to the greatest extent possible, on all imported Native American-style jewelry and arts and crafts. New requirements concerning jewelry were set forth in a notice of proposed rulemaking published in the *Federal Register* on February 10, 1989 (54 FR 6418). That proposal would add a new paragraph (c) to § 134.43. This separate proposed regulation amendment concerning Native American-style arts and crafts proposes to add a paragraph (d) to require indelible country of origin marking on such arts and crafts by means of cutting, die-sinking, engraving, stamping, or other equally permanent method.

Section 1907(c) of the Act requiring the implementation of regulations concerning country of origin marking of Native American-style arts and crafts resulted from a Senate floor amendment to the trade bill. In the discussion preceeding the adoption of that amendment, Senator Domenici, the amendment's sponsor, inserted into the Congressional Record the following statement which he said was designed to provide guidance to Customs in defining Native American handicrafts:

The most appropriate definition of what is genuine Native American handicraft product

(arts, crafts, and jewelry) is found in 25 CFR 308.3a (emphasis added). It reads as follows: "Objects produced by Indian craftsmen with the help of only such devices as allow the manual skill of the maker to condition the shape and design of each individual product."

The regulations proposed by the U.S. Customs Service in 1986 contain appropriate descriptive information regarding Native American arts, crafts and jewelry.

While it is clear that a detailed description of what these items look like is helpful to a Customs agent, such descriptions cannot be all encompassing. The thrust of the amendment is to ensure that consumers may distinguish between authentic Native American products and the look-alikes from around the world.

The U.S. Customs Service is encouraged to coordinate with the Department of Interior, Bureau of Indian Affairs to ensure that the intent of this provision is carried out. 133 Cong. Rec. S9444 (daily ed. July 8, 1987).

The definition of a genuine Native American handicraft found in 25 CFR 308.3a is a combination of the producer of the product (Indian craftsmen) and the method of production (with the help of only such devices as allow the manual skill of the maker to condition the shape and design of each individual product). We do not find this definition to be instructive in defining "Native American-style arts and crafts" as that term is used in section 1907(c).

First, the thrust of section 1907(c) is to require indelible marking on imported goods which look like arts and crafts made by Native Americans but in fact were not produced by Native Americans. Second, unlike genuine Native American handicrafts which are by definition produced with the help of only such devices as allow the manual skill of the maker to condition the shape and design of each individual product, as the legislative history makes clear, imported articles which look like Native American arts and crafts may have been mass produced rather than handcrafted. Thus, neither portion of the definition regarding the producer of the product nor the method of production is applicable in identifying imported Native American-style arts and crafts.

Moreover, according to the U.S. Department of the Interior, Indian Arts and Crafts Board, the definition of Native American handicrafts purposely makes no mention of what genuine Native American handicrafts look like "because contemporary craftsmen necessarily develop new approaches to the use of traditional materials, adopt new materials, and they necessarily arrive at new finished products of these materials in expressing their changing culture." (Letter dated April 6, 1989, submitted to Customs regarding proposed Customs Regulations Amendment relating to country of origin

marking of jewelry, published in the *Federal Register* on February 10, 1989).

Considering the purpose of section 1907(c), which is to ensure that consumers can distinguish between genuine Native American products and imported look-alikes, the proposed amendment merely defines Native American-style arts and crafts as: arts and crafts, such as pottery, rugs, blankets, kachina dolls, and baskets, which incorporate traditional Native American design motifs, materials or construction and therefore look like, and could possibly be mistaken for, arts and crafts made by Native Americans. While we recognize the fact that not all genuine Native American handicrafts incorporate "traditional" design motifs, materials or construction, we are of the opinion that the imports of Native American-style arts and crafts which consumers are likely to mistake for the genuine articles are likely to incorporate "traditional" design motifs, materials or construction.

In view of the requirement that regulations be in place by August 23, 1989, pursuant to section 1907(c) of the Act, comments are requested within 30 days of publication. Comment is particularly sought on the question of identification of Native-American arts and crafts.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the regulation amendment will not have a significant impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was James C. Hill, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 134

Customs duties and inspection, Labeling, packaging and containers.

Proposed Amendment

It is proposed to amend Part 134, Customs Regulations (19 CFR part 134), as set forth below:

PART 134—COUNTRY OF ORIGIN MARKING

1. The authority citation for part 134 would continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States), 1304, 1624.

2. It is proposed to amend § 134.43 by reserving paragraph (c) and by adding a new paragraph (d) to read as follows:

§ 134.43 Methods of marking specific articles.

* * * * *

(c) [Reserved].

(d) *Native American-style arts and crafts.*—(1) *Definition.* Native American-style arts and crafts are arts and crafts, such as pottery, rugs, blankets, kachina dolls and baskets, which incorporate traditional Native American design motifs, materials or construction and therefore look like, and could possibly be mistaken for, arts and crafts made by Native Americans.

(2) *Method of Marking.* Except as provided for in 19 U.S.C. 1304(a)(3) and § 134.32 of this part, Native American-style arts and crafts must be indelibly marked with the country of origin by means of cutting, die-sinking, engraving, stamping, or some other equally permanent method. On textile articles, such as rugs and blankets, a sewn-in label is considered to be an equally permanent method. Less permanent methods of marking, such as adhesive labels, will only be accepted if, because of the nature of an article, it is technically or commercially infeasible to mark by a more permanent method.

William von Raab,

Commissioner of Customs.

Approved: August 25, 1989.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 89-20534 Filed 8-30-89; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 170 and 174

[CGD 82-004 and CGD 86-074]

RIN 2115-AA77

Offshore Supply Vessels Including Liftboats

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule, extension of comment period and notice of hearing.

SUMMARY: On May 9, 1989, the Coast Guard published in the *Federal Register* (54 FR 20006) a notice of proposed rulemaking to establish regulations governing new Offshore Supply Vessels (OSVs), including self elevating OSVs known in the industry as lifeboats. These rules would become Title 46 Code of Federal Regulations, Subchapter L, Subchapter L would contain rules for inspection and certification of new OSVs including requirements for construction, outfitting of lifesaving and fire protection equipment, machinery and electrical installations, and operations.

Because of requests for a public hearing from the Offshore Marine Service Association and the Chairman of the House of Representatives Subcommittee on Coast Guard and Navigation, a hearing on this proposal will be held and the deadline for receipt of comments is extended to December 6, 1989.

DATES: Comments on this notice must be received on or before December 6, 1989. The date of the public hearing is September 13, 1989, as explained in

SUPPLEMENTARY INFORMATION below.

ADDRESSES: Comments should be mailed to Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 82-004/CGD 86-074), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593-0001. The comments and materials referenced in this notice will be available for examination and copying between 8 a.m. and 3 p.m., Monday through Friday, except holidays, at the Marine Safety Council, U.S. Coast Guard, Room 3600, 2100 Second Street, SW., Washington, DC 20593-0001. Comments may also be hand delivered to this address.

A public hearing on the proposed rules will be held at: Doubletree Hotel, 300 Canal Street, New Orleans, LA as

explained under **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: LCDR Michael M. Rosecrans, Office of Merchant Marine Safety, Security and Environmental Protection (G-MTH-4/13), Room 1304, U.S. Coast Guard Headquarters, Washington, DC 20593-0001, (202) 267-2997.

SUPPLEMENTARY INFORMATION:

Public Hearing

The Notice of Proposed Rulemaking published on May 9, 1989, stated that the Coast Guard did not plan to hold a public hearing on this rulemaking. The NPRM also stated that a hearing may be held if requested in writing by interested persons who could demonstrate that an opportunity to make an oral presentation would aid the rulemaking.

In a letter dated June 29, 1989, the Chairman of the House of Representatives Subcommittee on Coast Guard and Navigation requested that a public hearing on this proposal be held in New Orleans, LA to allow representatives of the shipbuilding industry and owners, operators and designers of OSVs to make oral presentations. Subsequently, the Offshore Marine Services Association, a group formed by and representing the interests of a large number of OSV owners, operators and shipbuilding concerns, made a similar request.

As a result of these requests and in order to give the public adequate opportunity to make oral presentations on the proposed rulemaking, the Coast Guard will hold a public hearing on the proposed rulemaking in New Orleans, LA, on Wednesday, September 13, 1989. The location will be: Doubletree Hotel, 300 Canal Street, New Orleans, LA. The hearing will begin at 10:00 a.m. and end at 5:00 p.m. or earlier if all speakers have been heard.

Interested persons are invited to participate in this hearing. Those wishing to make an oral statement

should register by September 11, 1989. Oral statements by individuals without prior registration will be allowed only if time permits. The Coast Guard reserves the right to impose time limits on oral presentations. To register, write or call the Executive Secretary, Marine Safety Council (G-LRA-2/3600) (CGD 82-004/86-074), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001; telephone number (202) 267-1477.

Written Comments

The Notice of Proposed Rulemaking published on May 9, 1989 invited and encouraged interested persons to participate in this proposed rulemaking by submitting written comments, including views, data, or arguments, on the proposal by September 6, 1989. Because of the public hearing and to allow the public more time to evaluate the proposal, the deadline for receipt of comments is extended to December 6, 1989.

Persons submitting comments should include their names and addresses, identify this notice as CGD 82-004/CGD 86-074 and the specific section or paragraph of the proposal to which each comment applies, and include supporting documents or sufficient detail to indicate the reason for each comment. Both comments supporting or opposing specific proposed regulations are encouraged.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

Dated: August 25, 1989.

J. D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-20678 Filed 8-30-89; 8:45 am]

BILLING CODE 4910-14-M

Notices

Federal Register

Vol. 54, No. 168

Thursday, August 31, 1999

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Submission of Information Collection to OMB Under Paperwork Reduction Act

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The Forest Service has submitted an information collection package to the Office of Management and Budget (OMB) for emergency clearance under 5 CFR 1320.18, concerning a specialty form (fee envelope) to be used at campgrounds on National Forest System lands nationwide. The agency and OMB solicit comments on this submission. The information collected on the specialty form is required by the Land and Water Conservation Fund Act of 1965.

ADDRESS: Refer to the proposal by name and send comments to: Larry Roberson, Clearance Officer, Office of Information Resource Management, USDA Room 404-W, USDA-Administration Building, Washington, DC 20250; and Gary Waxman, USDA Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Bob Cron, Recreation Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090, (202) 382-9408.

SUPPLEMENTARY INFORMATION: The Forest Service has submitted the proposal for collection of information to OMB for clearance as required by the Paperwork Reduction Act (44 U.S.C. 3501-3520). The Forest Service is requesting that OMB approve this submission by September 8 under the provisions of 5 CFR 1350.18, and that OMB waive its requirement of placing the burden statement (5 CFR 1320.21) on

the envelope. Because of size limitations (6" x 3-7/8"), it would not be practical to include such a paragraph.

The information collected on specialty form FS-2300-26, Recreation Fee Permit Envelope, is needed in order to comply with the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601). The supporting statement explains the need for this collection by use of Form FS-2300-26, Recreation Fee Permit Envelope.

Form FS-2300-26, Recreation Fee Permit Envelope, with the text of the information collection, is set forth as Exhibit 1 at the end of this document.

SUPPORTING STATEMENT

Form FS-2300-26, Recreation Fee Permit Envelope

(1) The Forest Service collects recreation use fees at about 2,000 National Forest campgrounds as provided by section 4(b) of the Land and Water Conservation Fund Act (LWCF), as amended (16 U.S.C. 460), and Forest Service regulations Admission Fees and Recreation Use Fees (36 CFR 291.9). The funds collected are to be used in preserving, developing, and assuring accessibility to quality outdoor recreation resources through Federal assistance to the states for planning, acquisition, and development of needed land and water areas and facilities and through Federal acquisition and development of certain lands and other areas.

In addition to providing for the collection of fees, section 4(h) of the LWCF provides that periodic reports indicating the number and location of fee collection areas, the number and location of potential fee collection areas, capacity and visitation information, the fees collected, and other pertinent data be coordinated and compiled regularly and transmitted to the Committees on Interior and Insular Affairs of the United States House of Representatives and the United States Senate by the National Park Service, Department of the Interior.

This information is compiled by the Forest Service for the National Park Service report and is also used for Forest Service managers to ensure that the appropriate fees are collected, to plan ways to meet public demands for campgrounds, and to inform users of opportunities to use National Forest campgrounds.

(2) Fee collection at most of the 2,000 campsites nationwide is accomplished through use of a self-service fee envelope (Exhibit 1) that is deposited in a secure collection box. The campground customer puts the fee in the envelope and completes eleven blocks of information.

When authorized Forest Service personnel empty the collection box, they check the information on the fee envelope (Exhibit 1) to ensure that the appropriate fee has been paid for occupancy of the location and length of stay.

Block 1 (Amount Enclosed) serves two purposes. It is the amount computed by the campground customer based on fee per day and length of stay. It also provides an audit function for Forest Service personnel. Significant variations between the actual amount in the envelope and the reported amount in Block 2 could be evidence of tampering.

Block 2 (Number of Days) is significant for campground customer and Forest Service personnel in computing the appropriate fee. This information is also compiled and analyzed for the National Park Service annual report to Congress under section 4(h) of the LWCF. Block 3 (Time and Date) is needed to ensure compliance with the 2:00 PM checkout time.

Block 4 (Vehicle License) and Block 5 (State) are used to collect information to comply with section 4(e) of the LWCF concerning the administration and enforcement of regulations for the collections of fees. Using the information in blocks 4 and 5, authorized persons may be able to identify persons who have violated fee collection regulations, and follow up in a manner provided by the LWCF and the regulations.

Block 7 (Camp Unit Number) is needed to identify locations of occupancy. Some fees vary because of additional services available at individual sites. It is also compiled and analyzed for the National Park Service annual report to Congress under Section 4(b) of the LWCF.

Block 9 (Other Charges) is needed for some campgrounds that charge an additional fee for extra vehicles or special services.

Block 10 identifies the campground user as Golden Age and Golden Access Passport holders who pay one-half the

established fee as provided for in Section 4(a) of the LWCF.

Block 11 (Departure Date) is needed to calculate the appropriate fees for each site and may be used by Forest Service managers for analysis of lengths of stay at certain geographic locations.

Block 3 (Date Purchased), Block 11 (Planned Departure Date), Block 8 (Number in Party), and Block 6 (Home Zip Code) provide information used to determine the recreation use of Forest Service fee campgrounds and the home area from which they travel. This information is used for Forest Service management of the National Forest recreation program and to report visitor use information required by the Land and Water Conservation Fund Act. The arrival date and departure date provide the number of days occupied. This information, multiplied by the number in the party, produces the total use of the site for that time period.

Block 6 (Home Zip Code) information is aggregated and used by the Forest Service to identify where campground users reside. The information is used for transportation planning, targeting communication of information, understanding elements of customer satisfaction, and for making management decisions about recreation opportunities to provide on the National Forests.

The Forest Service has chosen to use specialty form FS-2300-26, Recreation Fee Permit Envelope, to reduce the number of personnel at National Forest campgrounds and to reduce the need to collect the information in person.

Not collecting information on the fee envelope would necessitate personal contact with each campground user by Forest Service employees to determine fee compliance. We estimate that this would increase the cost of our fee collection system at the field level by 400%. Not collecting vehicle identification information on the fee envelope would prevent the completion of an undetermined number of law enforcement actions, add an undetermined cost to law enforcement efforts, and keep the Forest Service from complying with section 4(e) of the LWCF and Forest Service regulations at 36 CFR

291.9. Not collecting direct user information on the fee envelope would result in use of alternate methods such as car counters and in-person counts by Forest Service employees at an increased cost or reduction in accuracy of the data. Elimination of zip code information would result in poorer service to the campground users and greater difficulty in providing information they need.

(3) We know of no way today's technology could reduce the burden of this necessary information.

(4) We have reviewed other Forest Service recreation documents that request information. We do not have another document that requests information from campground users.

(5) Fee compliance information is specific to the current user. Historic recreation use information is available but does not provide the current use information required by section 4(h) of the LWCF, nor does it provide trend information for management use.

(6) The fee envelope information does not affect small businesses.

(7) Completing fee envelope information on a random sample basis would produce an acceptable accuracy for recreation use and customer residences. A sample collection would not, however, provide the needed information to insure that fees are properly paid, as provided by section 4(c) of the LWCF. Less frequent collection of fee envelope information would necessitate the individual on-site contacts or in-person fee collection described under Number 2.

(8) Forest Service collection of information on fee envelopes is consistent with 5 CFR 1320.6.

(9) Consultation with recreation users takes place during the forest planning and prior to individual project decisions. Individual campground users also express their views to Forest Service employees working at the recreation site. Our experience with the fee envelope is that users willingly complete the information.

Information collected on the fee envelope is site specific and thus not available from other agencies.

(10) The customer does not provide a name on the fee envelope. Information on the envelope is used for reporting recreation use, a statistic which is available to the public. Information on the envelope could be requested through Freedom of Information but should not be a threat to individual privacy.

(11) Form FS-2300-26, Recreation Fee Permit Envelope, requires no sensitive information concerning sexual habits, attitudes, religious beliefs, or other matters commonly considered private.

(12) Respondent cost is measured by time to complete the information on the envelope. See response to #13. No other cost is incurred.

Government Cost:

Envelopes: 2,000,000 @ \$.02/	
envelope=	\$40,000
Maintenance-dispensing	
boxes; collection-envelopes...	90,000
Data analysis and aggrega-	
tion	195,000
Overhead 15%	48,750
Estimated Annual Cost.....	\$373,750

(13) About 2,000,000 fee envelopes would be completed each year. Some camping users are repeat visitors. Reading the directions, completing the information on the fee envelope, depositing the envelope and placing the receipt stub on the car dash takes an average of two minutes to complete. The burden is 60,000 hours.

(14) This is an increase of 60,000 hours since the Forest Service has not reported the burden before.

(15) Information about campground use is compiled nationwide in the form of recreation visitor days and recreation visits and transmitted to the National Park Service. The National Park Service publishes a Federal Recreation Fee Report annually as provided by Section 4(h) of the LWCF and transmits the report to the Committees on Interior and Insular Affairs of the United States House of Representatives and United States no later than March 31 each year.

Dated: August 25, 1989.

William L. Rice,
Deputy Chief for Administration.

BILLING CODE 3410-11-M

Exhibit 1, Recreation Fee Permit Envelope

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LUSDA
Forest Service

Recreation Fee Permit Envelope

No

(Reference FSM 2330)

To Validate, Complete the Following

(Checks accepted - Make checks payable to USDA-Forest Service)

1. Amount Enclosed	2. No. of Day(s) Paid		3. Time and Date Permit Purchased	
4. Vehicle License	5. State	6. Home Zip Code	7. Selected Camp Unit No.	8. No. In Party
9. Other Charges	10. Golden Age or Golden Access Passport No.		11. Planned Departure Date	

After completing, detach permit stub and deposit this envelope in deposit box provided.
FS-2300-26 (3/88)

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US currency and checks, drawn on U.S. Banks accepted.
Please do not fold bills or checks

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BUSDA
Forest Service

Permit No

Detach this permit stub from envelope and display on
vehicle dashboard clearly visible from outside.

Valid only at this site for the day(s) paid beginning

Purchase Date _____

No of Days Paid _____ (Camper's Note Checkout Time is 2:00 PM)

B
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B

Your suggestions to improve the facilities or services at this
campground.

Please deposit suggestions in fee envelope deposit box at the
end of your stay. Thank you!

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: Overseas Business Interest Questionnaire.

Form Numbers: Agency—ITA-471P, OMB-0625-0039.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1,000 respondents; 500 reporting hours.

Average Hours per Response: 30 minutes.

Needs and Uses: This collection allows U.S. firms participating in overseas trade events sponsored by the International Trade Administration/U.S. Department of Commerce an opportunity to specifically identify their marketing objective for that specific event as well as current marketing activities and status in the specific foreign markets where the event will take place. The U.S. and Foreign Commercial Service/ITA overseas posts use the information to schedule business appointments during the trade event, arrange "blue ribbon" calls on key agents or distributors identified by participants prior to an event, and to issue specific show invitations to appropriate prospective overseas business partners. It is critical to pre-arrange business appointments thus providing U.S. participants with a program of high caliber business appointments.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Donald Arbuckle, 395-7340.

Copies of the above information-collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Dated: August 25, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-20557 Filed 8-30-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: International Trade Administration.

Title: NATO ICB Bidders List Application.

Form Numbers: Agency—ITA-4023P, OMB-0625-0055.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 60 respondents; 60 reporting hours.

Average Hours per Response: 1 hour.

Needs and Uses: NATO international competitive bidding opportunities for infrastructure project contracts are open only to NATO countries' companies which have had their eligibility to bid certified by their respective governments. The U.S. Department of Commerce (USDOC) is the executive agency which certifies U.S. companies' eligibility. Companies are required to submit an application to the International Trade Administration/USDOC. ITA reviews the application for completeness and accuracy and determines a company's eligibility based on its financial viability, technical capability, and security clearances of the U.S. Department of Defense.

Affected Public: Businesses or other for profit; small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Donald Arbuckle, 395-7340.

Copies of the above information-collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Dated: August 25, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

FR Doc. 89-20558 Filed 8-30-89; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

[A-549-502]

Partial Termination of Antidumping Duty Administrative Review: Circular Welded Carbon Steel Pipe and Tube from Thailand

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On April 28, 1989, the Department of Commerce initiated an administrative review of the antidumping duty order on circular welded carbon steel pipe and tube from Thailand. The Department is now partially terminating this review.

Background: On April 28, 1989, the Department of Commerce published a notice of initiation of administrative review of the antidumping duty order on circular welded carbon steel pipe and tube from Thailand. This notice stated that we would review information submitted by the Thai Hong Steel Pipe Co., Ltd. ("Thai Hong"), the Thai Union Steel Pipe Co., Ltd. ("Thai Union"), and the Saha Thai Steel Pipe Co. Ltd. ("Saha Thai") for the period March 1, 1988 through February 28, 1989. Thai Hong and Thai Union subsequently withdrew their request for review on July 18, 1989. Accordingly, the Department is terminating this review with respect to Thai Hong and Thai Union but proceeding with the review with respect to Saha Thai.

EFFECTIVE DATE: August 31, 1989.

FOR FURTHER INFORMATION:

Contact Alain Letort or Stephen Jacques, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: 202/377-2667 (Letort) or 202/377-0180 (Jacques).

SUPPLEMENTARY INFORMATION:

This notice is published pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, 19 U.S.C. 1675(a)(1), and § 353.22(c)(5) of the Commerce Department's regulations published in the *Federal Register* on March 28, 1989 (54 FR 12742) (to be codified at 19 CFR 353.22(c)(5)).

Dated: August 4, 1989.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-20458 Filed 8-30-89; 8:45 am]

BILLING CODE 3510-DS-M

[A-568-810]

Postponement of Final Antidumping Duty Determination and Postponement of the Public Hearing: Mechanical Transfer Presses from Japan

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from a respondent in the antidumping duty investigation to postpone the final determination, as permitted by section 735(a)(2)(A) of the Tariff Act of 1930, as amended.

Based on this request, we are postponing our final determination as to whether sales of mechanical transfer presses from Japan have occurred at less than fair value until not later than December 26, 1989. We are also postponing our public hearing in the investigation until November 3, 1989.

EFFECTIVE DATE: August 31, 1989.

FOR FURTHER INFORMATION CONTACT: James P. Maeder, Jr. at (202) 377-4929, V. Irene Darzenta at (202) 377-0186 or Mary S. Clapp at (202) 377-3965, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On August 18, 1989, we published a preliminary determination of sales at less than fair value of this merchandise. That notice stated that if the investigation proceeded normally, we would make our final determination by October 24, 1989.

On August 17, 1989, Komatsu, Ltd., a respondent which accounts for a significant proportion of exports of the subject merchandise to the United States, requested a postponement of the final determination in the antidumping duty investigation until the 135th day after the date upon which the preliminary determination was signed, pursuant to section 735(a)(2)(A) of the Act. Pursuant to § 353.20(b)(1) of the Department's regulations published in the Federal Register on March 28, 1989 [54 FR 12742] (to be codified at 19 CFR 353.38), if exporters who account for a significant proportion of exports of the

subject merchandise under investigation request a postponement of the final determination following an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we are postponing the date of the final antidumping duty determination until not later than December 26, 1989.

Public Comment: In accordance with 353.38 of the Department's regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on the preliminary determination in the antidumping duty investigation at 10:00 a.m. on November 3, 1989, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Ten copies of the business proprietary version and five copies of the public version of case briefs must be submitted to the Assistant Secretary by October 27, 1989. Ten copies of the business proprietary version and five copies of the public version of rebuttal briefs must be submitted to the Assistant Secretary by November 1, 1989.

An interested party may make an affirmative presentation at the public hearing only on arguments included in its case brief, and may make a rebuttal presentation only on arguments included in its rebuttal brief. Written arguments should be submitted in accordance with § 353.38 of the Commerce Department's regulations, and will be considered only if received within the time limits specified in this notice.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 735(d) of the Act. This notice is published pursuant to section 735(d) of the Act.

Dated: August 24, 1989.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 89-20457 Filed 8-30-89; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Availability of the Technology Applications Information System (TAIS)

AGENCY: Strategic Defense Initiative Organization, Office of Technology Applications, DoD.

ACTION: Notice.

SUMMARY: The Strategic Defense Initiative Organization Office of Technology Applications (SDIO/TNO) has developed the Technology Applications Information System (TAIS) to identify emerging Strategic Defense Initiative technologies with spinoff potential and expedite the transfer of these technologies. The SDIO TAIS is a data base which has recently been updated to include more than 1,100 unclassified, nonproprietary synopses of technology innovations available for review by the commercial sector, federal agencies, and researchers. The TAIS also contains descriptions of technological innovations and business opportunities originating from two SDIO programs: The Innovative Science and Technology Program and the Small Business Innovative Research Program. Any US citizen or corporation can access the TAIS by computer modem once a militarily critical technology data agreement has been completed and eligibility has been certified by the Defense Logistics Agency under provisions of DOD Directive 5230.25, Control of Unclassified Technical Data with Military or Space Application. Information regarding qualification and certification for access to militarily critical technology may be obtained by calling (800) DLA-DLSC. Information on use of the TAIS is available by calling SDIO/TNO at (202) 693-1563.

FOR FURTHER INFORMATION CONTACT: SDIO/TNO, Room 1E1023, The Pentagon, Washington, DC 20301-7100, (202) 693-1563.

Dated: August 25, 1989.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89-20464 Filed 8-30-89; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report for the Sacramento Metropolitan Area, California Flood Control Investigation

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The proposed action is a Feasibility Study of flood control measures in the Sacramento Metropolitan Area, California. The purpose of the action is to reduce

potential flood damages caused by high flows during major storm events. The study will examine the feasibility of providing increased flood protection for the Sacramento Metropolitan Area. The study area includes developed areas along the Sacramento River and Yolo Bypass from the Fremont Weir downstream to an area just south of Freeport. Alternative improvements being studied are located in Sacramento and Yolo Counties. A Reconnaissance Report was prepared for this project in February 1989 that identified several acceptable alternatives to be carried into feasibility studies. A Feasibility Report will be prepared for this project. The Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) will accompany the Feasibility Report. This is a document jointly prepared by the Federal lead agency (Corps of Engineers) to comply with the National Environmental Policy Act and by the State lead agency (The Reclamation Board) to comply with the California Environmental Quality Act.

Scoping and Further Information
Contact: Suggestions on the scope of coverage for environmental impact evaluations and related information should be provided in writing to the District Engineer, U.S. Army Corps of Engineers, Sacramento District, 650 Capitol Mall, Sacramento, California 95814-4794. Questions may be addressed to Mr. Mike Welsh, at telephone (916) 551-1861. Responses specifically related to the California Environmental Quality Act requirements for the DEIR may be directed to Ms. Analena Bronsen, The Reclamation Board, Department of Water Resources, P.O. Box 942836, Sacramento, California, 94236-001 (916) 322-3740.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The study will determine the feasibility of providing increased flood protection to the Sacramento Metropolitan Area. The Corps of Engineers will prepare a report on its findings to be submitted to the United States Congress.

2. Alternatives

Alternatives being considered in detail for feasibility studies consist of (a) No action, (b) Levee modification to provide higher levels of flood protection to the West Sacramento area, (c) Modification of the Sacramento Weir by removing the existing weir gates and lowering the weir crest, leaving the weir crest and removing the gates, or lowering the weir and maintaining the existing gated operation by modifying the gates.

3. Scoping Process

a. Close coordination will be maintained with Federal, State, local agencies, environmental organizations, concerned citizens, and other interested groups. This will be accomplished through public meetings and interagency coordination. A scoping notice will be mailed to the public in August 1989. A public workshop to identify issues of concern is tentatively scheduled for September 1989. A public meeting to discuss the draft Feasibility Report and DEIS/EIR is scheduled for August 1990. Through this Notice of Intent, all segments of the affected public and agencies are invited to participate.

b. An Environmental Information Paper was prepared for the Reconnaissance Report, dated February 1989. This effort identified the following as significant issues that will be discussed in depth in the DEIS/EIR: impacts to fish and wildlife resources; impacts to riparian, wetland, and upland vegetation; cultural resources, endangered species, and use changes; socio-economics; esthetic impacts and cumulative impacts.

c. The Reclamation Board of the State of California is the local non-Federal sponsor for this project. They are participating with the Corps of Engineers in the feasibility and environmental impact studies, and they would cost share in any improvements constructed as a result.

d. Significant review and consultation to be conducted during the preparation of the DEIS/EIR include coordination with the U.S. Fish and Wildlife Service under the Fish and Wildlife Coordination Act and Endangered Species Act, consultation with the State Historic Preservation Officer and Advisory Council on Historic Preservation under the National Historic Preservation Act, and coordination with the California Water Quality Control Board and Environmental Protection Agency on water quality issues under Section 404 of the Clean Water Act.

4. Availability

The DEIS/EIR is scheduled to be available for public review and comment in July 1990.

Dated: August 16, 1989.

Jack A. Le Cuyer,
 Colonel, Corps of Engineers, District Engineer.

[FR Doc. 89-20504 Filed 8-30-89; 8:45 am]

BILLING CODE 3710-GH-M

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 14 September 1989 at the Sheraton Crystal City Hotel, Arlington, Virginia, and will convene at 0830 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation, DOD 4500.34R, and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Shipment and Storage Program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MTPP-M, at telephone number 756-1600, between 0800-1530 hours. Topics to be discussed should be received on or before 5 September 1989.

Dated: August 17, 1989.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

[FR Doc. 89-20699 Filed 8-30-89; 9:01 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 89-29-NG]

Grand Valley Gas Co.; Order Granting Blanket Authorization To Import Natural Gas from Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order granting Grand Valley Gas Company (Grand Valley) blanket authorization to import natural gas from Canada. The order issued in FE Docket No. 89-29-NG authorizes Grand Valley to import up to 75 Bcf of Natural gas during a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056,

Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 25, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89-20539 Filed 8-30-89; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 89-51-NG]

Harbert Energy Corp.; Application To Import Natural Gas From and Export Natural Gas to Canada and Mexico

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from and export natural gas to Canada and Mexico.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on July 31, 1989, of an application filed by Harbert Energy Corporation (Harbert) for blanket authorization to import up to 100 Bcf, and to export up to 100 Bcf, respectively, of Canadian, Mexican and/or domestically produced natural gas for a term of two years, commencing on the date of first delivery. Harbert intends to utilize existing pipeline facilities for transportation of the volumes to be imported and exported, and indicates that it would submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than October 2, 1989.

FOR FURTHER INFORMATION:

Linda Silverman, Office of Fuels Programs, Office of Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7249.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Harbert is a Texas corporation with its principal place of business in Houston, Texas. Harbert proposes to import or export natural gas either for its own account or as agent on behalf of both suppliers and purchasers, including local distribution companies, pipelines, and commercial and industrial end-users. According to the application, the authority requested by Harbert contemplates the following types of import and export transactions: (1) Importation of Canadian and Mexican natural gas for consumption in U.S. markets; (2) importation of Canadian natural gas for eventual return (via export) to Canadian markets; (3) exportation of domestically produced natural gas for consumption in Canadian and Mexican markets; and (4) exportation of domestically produced natural gas for eventual return (via import) to U.S. markets.

According to Harbert, the specific terms of each transaction would be negotiated on an individual basis, including price and volumes, to reflect market conditions.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that this import/export arrangement will be competitive and in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

All parties should be aware that if this blanket import/export application is granted, the authorization may permit the import or export of the gas at any point of entry or exit on the international boundary where existing pipeline facilities are located.

Harbert requests that an authorization be granted on an expedited basis. A decision on Harbert's request for expedited treatment will not be made

until all responses to this notice have been received and evaluated.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, can be accomplished by means of a categorical exclusion. On March 27, 1989, the DOE published in the *Federal Register* (54 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the action is not a major Federal action under NEPA. Unless the DOE receives comments indicating that the presumption does not or should not apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs, Fossil Energy, Room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. They must be filed no later than 4:30 p.m. e.s.t., October 2, 1989.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete

understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial questions of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice to all parties will be provided. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Harbert's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 24, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89-20540 Filed 8-30-89; 8:45 am]

BILLING CODE 8:50-01-M

[FE Docket No. 89-52-NG]

Suncor Inc.; Application To Extend Blanket Authorization Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for extension of blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy of the Department of Energy (DOE) gives notice of receipt on August 3, 1989, of an application filed by Suncor Inc. (Suncor), requesting that blanket authority previously granted in DOE/ERA Opinion and Order No. 185 (Order 185), issued July 27, 1987 (DOE/ERA Docket No. 87-13-NG), be extended for two years beginning on January 1, 1990,

the expiration of its current import authorization, through the period ending December 31, 1992. Suncor's existing blanket import authorization allows it to import up to a maximum of 36.5 Bcf of Canadian natural gas. Under the extension requested, Suncor would be authorized to import volumes not to exceed 27.38 Bcf of Canadian natural gas over a two-year period.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed no later than October 2, 1989.

FOR FURTHER INFORMATION:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F-094, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9394.
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Suncor, a Canadian corporation with its principal office in Toronto, Canada, is an affiliate of Sun Company, Inc., of Randor, Pennsylvania, and Ontario Energy Resources Ltd., a corporation indirectly owned by the Province of Ontario, Canada. Under the proposed import arrangement, the natural gas to be imported would be owned or controlled by Suncor and would be sold on a short-term or spot-market basis to local distribution companies, natural gas marketers and industrial end-users in the midwestern United States. The specific terms of each import and sale would be negotiated on an individual basis including the price and volumes. The proposed import would enter the United States at a point on the international boundary near Port of Morgan, Montana, and would be transported through the facilities of Northern Border Pipeline Company, Northern Natural Gas Company, Natural Gas Pipeline Company of America, and ANR Pipeline Company. No new facilities are required to transport the imported natural gas.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import

arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement will be competitive and thus in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The DOE has determined that compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, can be accomplished by means of a categorical exclusion. On March 27, 1989, the DOE published in the Federal Register (54 FR 12474) a notice of amendments to its guidelines for compliance with NEPA. In that notice, the DOE added to its list of categorical exclusions the approval or disapproval of an import/export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the DOE's action is not a major Federal action under NEPA. Unless the DOE receives comments indicating that the presumption does not or should not apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs, Fossil Energy, Room 3F-056, FE-50, Forrestal Building,

1000 Independence Avenue, SW., Washington, DC 20585. They must be filed no later than 4:30 p.m., e.d.t., October 2, 1989.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Suncor's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 24, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89-20538 Filed 8-30-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

TSCA Chemical Testing; Receipt of Test Data

[OPTS-44536; FRL 3637-6]

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on C9 Aromatic Hydrocarbon Fraction (CAS Nos. 25550-14-5, 526-73-8, 108-67-8, and 95-63-6), submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). This notice also announces the receipt of test data for 2, 6-dichloro-4-nitroaniline (CAS No. 99-30-9), submitted pursuant to a testing consent order under TSCA. Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the *Federal Register* reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for C9 Aromatic Hydrocarbon Fraction was submitted by the American Petroleum Institute, on behalf of the manufacturers of the C9 Aromatic Hydrocarbon Fraction, pursuant to a test rule at 40 CFR 799.2175. It was received by EPA on August 14, 1989. The submission describes a 3-generation reproduction/fertility study in rats with C9 aromatic hydrocarbons. Reproductive effects testing is required by this test rule.

Test data for 2,6-dichloro-4-nitroaniline was submitted by the Synthetic Organic Chemical Manufacturers Association, Inc., (SOCMA), on behalf of the Upjohn Company, pursuant to a testing consent order at 40 CFR 799.5000. It was received by EPA on August 7, 1989. The submission describes the early life stage toxicity of 2,6-dichloro-4-nitrobenzenamine to rainbow trout (*salmo gairdneri*). Toxicity testing is required by this consent order.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of

data notice (docket number OPTS-44536). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: August 22, 1989.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 89-20577 Filed 8-30-89; 8:45 am]

BILLING CODE 6580-50-M

EXPORT-IMPORT BANK OF THE UNITED STATES

Open Meeting of the Advisory Committee

SUMMARY: The Advisory Committee was established by Public Law 98-181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Tuesday, September 19, 1989, from 9:30 a.m. to 12:00 noon. The meeting will be held at Eximbank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

Agenda: The meeting agenda will include a discussion of the following topics: Financial Report, Congressional Matters, Reinvolving Financial Institutions, Tied Aid Credit Status, and other topics.

Public Participation: The meeting will be open to public participation; and the last 15 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joan P. Harris, Room 935, 811 Vermont Avenue, NW., Washington, DC 20571, (202) 566-8871, not later than September 18, 1989. If any person wishes auxiliary aids (such as a language interpreter) or other special accommodations, please contact, prior to September 14, 1989, the Office of the Secretary, Room 935, 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 566-8871 or TDD: (202) 535-3913.

FURTHER INFORMATION: For further information, contact Joan P. Harris,

Room 935, 811 Vermont Avenue, NW.,
Washington, DC 20571, (202) 566-8871.

Joan P. Harris,
Corporate Secretary.

[FR Doc. 89-20503 Filed 8-30-89; 8:45 am]

BILLING CODE 6690-01-M

FEDERAL RESERVE SYSTEM

Canadian Imperial Bank of Commerce, Toronto, Ontario, Canada; Proposal To Engage in Placement as Agent of Debt and Equity Securities

Canadian Imperial Bank of Commerce, Toronto, Ontario, Canada ("Canadian Imperial"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a), of the Board's Regulation Y (12 CFR 225.23(a)), for permission for its subsidiary Wood Gundy Corp., New York, New York ("Company"), to engage in the placement, as agent for issuers, of debt and equity securities.

Company is currently authorized to engage in providing various types of brokerage and investment and financial advisory services, as well as underwrite and deal in obligations of the United States, general obligations of states and their political subdivisions, and other obligations that state member banks are authorized to underwrite and deal in under 12 U.S.C. 24 and 335.

Canadian Imperial has applied to engage in the placement, as agent for issuers, of all types of securities within the following limitations: (i) Company will act only as agent, without recourse, solely upon the order and for the account of clients, and will not assume any credit or market risk with respect to the securities privately placed; (ii) Company will remain a broker-dealer registered with the Securities and Exchange Commission and subject to the registration, record-keeping, reporting and other fiduciary standards of the Securities Exchange Act of 1934, as amended, and of the National Association of Securities Dealers, Inc.; (iii) Company will be maintained, and will hold itself out to the public, as a separate and distinct corporate entity with its own properties, assets, liabilities, books and records, will conduct its business separate from its affiliates, with its agreements with clients indicating that it is solely responsible for its contractual obligations and commitments, and will maintain offices separate from those of any bank or thrift subsidiary of Canadian Imperial or any U.S. branch or agency of Canadian Imperial; (iv) Company will comply with the

provisions of the Securities Act with respect to each private placement of securities; (v) Company will place securities only with a limited number of financially sophisticated institutions and individuals, and will not offer securities to the general public or make any general solicitation or advertisement of the securities it privately places (Company will not engage in "best efforts" underwriting as part of the proposed activities); and (vi) Company will not purchase or repurchase for its own account any securities privately placed by the Company or inventory (whether overnight or otherwise) unsold portions of an issue; however, Company may, subject to the Board's approval of Canadian Imperial's pending application to underwrite and deal to a limited extent in debt and equity securities, purchase or repurchase for its own account any securities privately placed or inventory any unsold securities (gross revenues derived from the latter activities would be included in the gross revenues that Company derives from ineligible securities activities).

In addition, (viii) neither Canadian Imperial nor any of its subsidiaries will provide any letter of credit or other guarantee arrangement to support any securities placed by the Company; (viii) neither Canadian Imperial nor any of its subsidiaries will knowingly make loans to issuers of securities placed by the Company that are the functional equivalent of purchasing the securities for the account of Canadian Imperial or such subsidiary and Canadian Imperial and its subsidiaries will assure themselves, and maintain appropriate documentary records demonstrating, that any advances by them to an issuer of securities being placed by the Company are not used to repay such securities (or any interest or dividends thereon) or to cover any unsold portion of such securities (i.e., any credit extended to such issuers by Canadian Imperial or its subsidiaries will be under different terms, at different times and for different purposes than the securities being placed by the Company or will have substantial participation by unaffiliated lenders, and will contain terms no more favorable to persons who use the Company's private placement services than to persons who do not use such services); (ix) no U.S. bank, thrift or trust or investment advisory subsidiary of Canadian Imperial and no U.S. branch or agency of Canadian Imperial will purchase, as a trustee or in any other fiduciary capacity, for accounts over which it has investment discretion securities placed by the Company unless, in any such case, such purchase is specifically authorized under the

instrument creating the fiduciary relationship, by court order, or by law of the jurisdiction under which the trust is administered; (x) no U.S. bank, thrift or trust or investment advisory subsidiary of Canadian Imperial and no U.S. branch or agency of Canadian Imperial will provide investment advice with respect to securities placed by the Company or will advertise or distribute sales literature concerning such securities and, where any bank or lending affiliate of the Company has a material lending relationship with an issuer of securities being placed by the Company, as required by the securities laws the Company will disclose the existence of that relationship to each purchaser of that issuer's securities and whether the proceeds of the issue will be used to repay outstanding debt to affiliates (such disclosure would describe the difference between Company and Canadian Imperial and Canadian Imperial's subsidiary banks); (xi) there will be no officer, director or employee interlocks between the Company and any of Canadian Imperial's U.S. bank or thrift subsidiaries or any U.S. branch or agency of Canadian Imperial; and (xii) no U.S. bank or thrift affiliate of Canadian Imperial and no U.S. branch or agency of Canadian Imperial shall disclose to the Company, nor shall the Company disclose to an affiliated U.S. bank or thrift or U.S. branch or agency of Canadian Imperial, any nonpublic customer information (including an evaluation of the creditworthiness of an issuer or other customer of that bank or thrift, or underwriting subsidiary) without the consent of that customer.

The Board has not previously determined that the proposed activities are permissible under section 4(c)(8) of the Bank Holding Company Act. Section 4(c)(8) of the Act, provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

Canadian Imperial contends that the proposed activities are closely related to banking because banks have provided such services for many years, and because such activities are operationally and functionally equivalent to many traditional commercial banking functions.

In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "reasonably be expected to produce

benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Canadian Imperial maintains that approval of the application can be expected to increase competitiveness of Company, particularly since the Company has special expertise in providing such services in the cross-border market between the United States and Canada.

Canadian Imperial contends that the proposed activities would not result in adverse effects as the potential conflicts of interest that might be said to arise are no different from those arising from the private placement activities approved by the Board in *Bankers Trust New York Corporation*, 73 Federal Reserve Bulletin 138 (1987). Canadian Imperial also states that any adverse effects are adequately addressed by the above proposed limitations as well as by the anti-fraud prohibitions of the Securities Act and the Securities Exchange Act of 1934, the NASD Rules of Fair Practice, the anti-tying provisions of the banking and antitrust laws, ERISA, and sections 23A and 23B of the Federal Reserve Act.

Canadian Imperial contends that the proposed activities do not raise an issue under section 20 of the Glass-Steagall Act (12 U.S.C. 377), relying on *Securities Industry Ass'n v. Board of Governors*, 807 F.2d 1052 (D.C. Cir. 1986), *cert. denied*, 107 S.Ct 3228 (1987). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than September, 1989.

Board of Governors of the Federal Reserve System, August 25, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-20488 Filed 8-30-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Tabulation of Natality Vital Statistics Data by Race of Mother

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The National Center for Health Statistics, CDC, provides notice of a change in the tabulation of most natality data as derived from the birth certificate. Tabulations will be made according to race of the mother, rather than the race of the child, which had been assigned by an algorithm.

DATE: This change will be made beginning with reports involving data for the calendar year 1989.

FOR FURTHER INFORMATION CONTACT: John E. Patterson, Director, Division of Vital Statistics, National Center for Health Statistics, CDC, telephone: (301) 436-8951.

SUPPLEMENTARY INFORMATION:

Background

The National Center for Health Statistics (NCHS) has for many years tabulated natality data by the race of the child as determined through an algorithm based on the race of the parents, as reported on the live birth certificate. This is done as follows: When only one parent is white, the child is assigned the other parent's race or national origin. When neither parent is white, the child is assigned the father's race or national origin with one exception; if either parent is Hawaiian or part-Hawaiian, the child is assigned to Hawaiian. If race is missing for one parent, the child is assigned the race of the parent for whom race is given.

Ethnicity is coded and tabulated as a separate item in NCHS data systems. Beginning with data year 1978, when several States added an Hispanic origin item to their birth record, NCHS began to tabulate and publish natality data by the Hispanic origin of the mother.

Change

Beginning with data year 1989, NCHS will tabulate and report most natality data on the basis of the race of the mother. Criteria for reporting the race of the parents will be unchanged, and will continue to reflect the response of the informant (usually the mother). Natality data on Hispanic origin will continue to be tabulated according to the Hispanic origin of the mother.

Rationale

New procedures for tabulations are being instituted at this time in an effort to more accurately produce natality data by racial group. Several related events influenced this decision: Most important is the regular decennial revision of the certificates of live birth, which was implemented in most States in 1989. These certificates include many new items which are related to the mother, including alcohol and tobacco use, weight gain, medical risk factors, and complications of labor and/or delivery. It is appropriate to use the race of the mother in tabulating these items. Many of the other items that have been on the birth certificate since at least 1968 are also characteristics of the mother. These include age, education, the month that pregnancy prenatal care began, number of prenatal visits, marital status, and date of last live birth. With the 1989 revisions, most States will include an Hispanic origin item. The proposed change will provide for tabulation of both race and Hispanic origin according to the same procedures.

Over the years, the percent of births where parents were not of the same race has been increasing. In 1968, these births accounted for only 1.0 percent of births; by 1987 this had increased to 3.0 percent. In addition, the percent of births with father's race missing on the birth certificate has increased from 7.0 in 1968 to 13.3 in 1987. These births are already assigned the race of the mother on a de facto basis. Tabulation using the race of mother will provide for a more uniform approach.

Impact of Change

The effect of this change will be to increase the quality of the data on pregnancy outcome among minorities. For example, tabulations are now based on race of child and Hispanic origin of the mother. Health indicators such as low birth weight and use of prenatal care will be consistently related to maternal characteristics, rather than an arbitrary combination of maternal and paternal characteristics. These changes will be especially important for racial categories other than black or white. For example, the infant mortality rate (IMR) for American Indians based on race of child was 10.7 deaths per 1,000 live births in 1983. If race of mother had been used the IMR would have been 13.5. The latter rate is much closer to the rate obtained using NCHS' program of linking birth and infant death files (14.3), the results of which are not generally available as quickly as the standard vital statistics rates.

Implementation

The NCHS will take several steps to allow for continuity in analysis of data by race during this period. Key tabulations for 1989 and 1990, including all trend tables, will show data for both race of mother and race of child. This will provide a "bridge" so the effects of this change can be separated from real changes in the data. Public use data tapes for these years will continue to include the race of the mother, father, and child, continuing a series beginning with the 1968 data year. In 1991 and subsequent years, the tapes will include both race of mother and father so that users can continue to use the algorithm to derive race of child if they desire. In addition to the "bridge" data in trend tables of the regular publications, a special report will be prepared showing more information on the comparability of the two methods of tabulation. In trend studies every effort will be made to assist the reader in assessing the long-term impact of the change.

Dated: August 24, 1989.

Robert L. Foster,

Acting Director, Office of Program Support,
Centers for Disease Control.

[FR Doc. 89-20483 Filed 8-30-89; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 89F-0338]

E.I. du Pont de Nemours and Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that E.I. du Pont de Nemours and Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of maleic anhydride grafted onto ethylene-vinyl acetate copolymers, and fumaric acid and maleic anhydride grafted onto certain olefin polymers for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4163) has been filed by E.I. du Pont de Nemours and Co., 1007 Market St., Wilmington, DE 19898, proposing that § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350) and

§ 177.1520 *Olefin polymers* (21 CFR 177.1520) of the food additive regulations be amended to provide for the safe use of fumaric acid and maleic anhydride grafted onto certain olefin polymers, and maleic anhydride grafted onto ethylene-vinyl acetate copolymers for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: August 16, 1989.

Richard J. Ronk,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-20491 Filed 8-30-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89G-0316]

AVEBE America, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that AVEBE America, Inc., has filed a petition (GRASP 9G0353), proposing to affirm that maltodextrin derived from potato starch is generally recognized as safe (GRAS) as a direct human food ingredient.

DATES: Comments by October 30, 1989.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that AVEBE America, Inc., Princeton Corporate Center, 4 Independence Way, Princeton, NJ 08450, has filed a petition (GRASP 9G0353) proposing that maltodextrin derived from potato starch be affirmed as GRAS

for use as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in 21 CFR 170.30 and 170.35 is filed by the agency. There is no pre-filing review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Interested persons may, on or before October 30, 1989, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 16, 1989.

Richard J. Ronk,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-20490 Filed 8-30-89; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health**National Cancer Institute; Meetings**

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, September 18-19, 1989, Building 31C, Conference Room 6, 6th Floor, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20892. Meetings of the Subcommittees of the Board will be held at the times and places listed below. Portions of the Board meeting and its Subcommittees will be open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of the meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Subcommittee on Planning and Budget will be closed to the public as indicated below in accordance with the provisions set forth in section 552(c)(9)(B), title 5, U.S.C. and section 10(d) of Public Law 92-463, to discuss the status of the 1990 budget markup and the 1991 budget.

Mrs. Winifred J. Lumsden, Committee Management Officer, National Cancer Institute, 9000 Rockville Pike, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide a summary of the meeting and rosters of the Board members, upon request.

Name of Committee: Subcommittee on Cancer Centers

Executive Secretary: Ms. Judith Whalen, Building 31, Room 11A19, Bethesda, MD 20892 (301) 496-5515

Date of Meeting: September 17, 1989

Place of Meeting: Building 31C, Conference Room 7

Open: 6 p.m. to adjournment

Agenda: To discuss progress on the guidelines for comprehensive cancer centers and the 5-year plan for the Cancer Centers Program.

Name of Committee: Subcommittee on Planning and Budget

Executive Secretary: Judith Whalen, Building 31, Room 11A19, Bethesda, MD 20892 (301) 496-5515

Date of Meeting: September 17

Place of Meeting: Building 31C, Conference Room 8

Closed: 7:30 p.m. to 8 p.m.

Agenda: To discuss the status of the 1990 budget markup and 1991 budget
Open: 8 p.m. to adjournment
Agenda: To discuss the 1989-1990 Biennial Report of the NCAB.

Name of Committee: Working Group of the Subcommittee on Agenda

Executive Secretary: Dr. Paulette S. Gray, Westwood Building, Room 852, Bethesda, MD 20892 (301) 496-7173

Date of Meeting: September 18

Place of Meeting: Building 31A, Room 10A03

Open: 12:30 p.m.—Lunch Meeting

Agenda: To continue discussion of the format of NCAB meetings.

Name of Committee: Subcommittee on Special Actions for Grants

Executive Secretary: Mrs. Barbara S. Bynum, Building 31, Room 10A03, Bethesda, MD 20892 (301) 496-5147

Date of Meeting: September 18

Place of Meeting: Building 31C, Conference Room 6

Closed: 1:30 p.m. to adjournment

Agenda: Review and discussion of individual grant applications.

Name of Committee: AIDS Subcommittee

Executive Secretary: Joyce O'Shaughnessy, Building 31A, Room 11A23, Bethesda, MD 20892 (301) 496-3505

Date of Meeting: September 18

Place of Meeting: Building 31C, Conference Room 8

Open: Following NCAB

Agenda: Discussion of a review of the AIDS program.

Name of Committee: Subcommittee on Environmental Carcinogenesis

Executive Secretary: Dr. Richard Adamson, Building 31, Room 11A03, Bethesda, MD 20892 (301) 496-6618

Date of Meeting: September 18

Place of Meeting: Building 31C, Conference Room 7

Open: 6 p.m. to adjournment

Agenda: To review data on the hazard assessment of daminozide.

Name of Committee: National Cancer Advisory Board

Executive Secretary: Mrs. Barbara Bynum, Building 31, Room 10A03, Bethesda, MD 20892 (301) 496-5147

Date of Meeting: September 18-19

Place of Meeting: Building 31C, Conference Room 6

Open: September 18, 8:30 a.m. to recess, September 19, 8:00 a.m. to adjournment

Agenda: Reports on activities of the President's Cancer Panel; the Director's Report on the National Cancer Institute; Subcommittee Reports; and New Business.

Catalog of Federal Domestic Assistance Program Numbers: (13.392, Project grants in cancer construction; 13.393, Project grants in cancer cause and prevention; 13.394, Project grants in cancer detection and diagnosis; 13.395, Project grants in cancer treatment; 13.396, Project grants in cancer biology; 13.397, Project grants in cancer centers support; 13.398, Project grants in cancer research manpower; and 13.399, Project grants and contracts in cancer control)

Dated: August 21, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-20478 Filed 8-30-89; 8:45 am]

BILLING CODE 4140-01-M

National Eye Institute; The National Advisory Eye Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, September 14, 1989, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until approximately 11:30 a.m. on Thursday, September 14. Following opening remarks by the Director, National Eye Institute, there will be presentations by the staff of the Institute concerning Institute programs and various research assistance mechanisms. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public from approximately 11:30 a.m. until closing on September 14 for the review, discussions and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

The Vision Research Program Planning Subcommittee will meet on Friday, September 15, 1989, from 9:00 a.m. until noon, in Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland. Attendance by the public will be limited to space available.

Ms. Lois DeNinno, Committee Management Officer, National Eye Institute, Building 31, Room 6A08, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-9110, will provide a summary of meeting, roster of committee members, and substantive program information upon request.

(Catalog of Federal Domestic Assistance Programs, Nos. 13.867, Retinal and Choroidal Diseases; 13.868, Anterior Segment Diseases Research; and 13.871, Strabismus, Amblyopia and Visual Processing; National Institutes of Health.)

Dated: August 21, 1989.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 89-20479 Filed 8-30-89; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Emergency Exemption; Issuance

On 16 August 1989, the U.S. Fish & Wildlife Service Region One Regional Director's permit number 702631 was amended to include the desert tortoise [*Gopherus* = (*Scaptochelys*, = *Xerobates*) *agassizii*]. The 30-day public comment period, required by the Endangered Species Act was waived in accordance with section 10(c) of the Endangered Species Act. The Fish & Wildlife Service determined that an emergency affecting the health and life of specimens of endangered species existed, and no reasonable alternative was available to the applicant. The desert tortoise population is suffering from a respiratory virus. Valuable information needed to control the epidemic would have been lost, because animals being monitored in the wild were likely to begin hibernation before the 30-day comment period had elapsed and would not have been locatable for testing. These animals are scheduled to be recaptured and have blood samples drawn during the next 30 days.

Dated: August 25, 1989.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 89-20548 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[WY-920-08-4120-11]; WYW117055]

Coal Exploration License; Cheyenne, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Invitation for Coal Exploration License.

SUMMARY: Powder River Coal Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Campbell County, Wyoming:

T. 41 N., R. 70 W., 6th P.M., WY, Sec. 8: Lots 4, 10, SW¼NW¼, Sec. 17: Lots 3, 6, 11, 14; Containing 280.14 acres.

All of the coal in the above land consists of unleased Federal coal, within the Powder River Basin known coal leasing area. The purpose of the exploration is to establish the thickness of the Wyo-Dak Anderson coal seam.

ADDRESSES: A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number WYW117055): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82003; and Bureau of Land Management, 1701 East "E" Street, Casper, Wyoming 82601.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in a newspaper once each week for two consecutive weeks beginning the week of August 28, 1989, and in the *Federal Register*. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and to Powder River Coal Company no later than 30 days after publication of this invitation in the *Federal Register*. The written notice should be sent to the following addresses: Mr. Ronald J. Braig, Powder River Coal Company, Caller Box 3034, Gillette, Wyoming 82717 and the Bureau of Land Management, Wyoming State Office, Branch of Mining Law and Solid Minerals, P.O. Box 1828, Cheyenne, Wyoming 82003-1828.

The foregoing is published in the *Federal Register* pursuant to title 43 Code of Federal Regulations, § 3410.2-1(c)(1).

F. William Eikenberry,
State Director.

[FR Doc. 89-20553 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-22-M

[WY-060-09-4111-16]

Environmental Assessment and Public Scoping on Production of Coal-Bed Methane; Notice of Intent

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental assessment and conduct public scoping on production of coal-bed methane.

SUMMARY: The Buffalo Resource Area, Casper District is proposing to prepare an environmental assessment (EA) and conduct scoping on the drilling, completion and production of coal-bed methane in an area within the Powder River Basin. Information and concerns are requested on this development. The proposed area of consideration is in Johnson and Campbell Counties,

Wyoming. The public is encouraged to present their ideas, information and concerns. All issues and concerns will be considered in preparation of the EA.

DATES: Scoping comments will be accepted through September 29, 1989.

FOR FURTHER INFORMATION CONTACT: Information on the proposed coal-bed methane development may be obtained by visiting, writing, or calling the following office. Scoping comments and information may be sent to the same address. Glenn Bessinger, Area Manager, BLM, Buffalo Resource Area, 189 No. Cedar, Buffalo, Wyoming 82834, (307) 684-5586.

SUPPLEMENTARY INFORMATION: The actions to be analyzed in the EA include drilling, operating, and maintaining gas wells completed in Powder River Basin coal beds. Construction and operation of associated transportation systems will also be analyzed. The Powder River Basin has extensive coal deposits and the extent of recoverable reserves of methane is unknown at this point. Information obtained in response to this notice and news releases which are being issued will be used to determine the geographic extent of the EA.

The following issues and concerns have been identified to date:

- Effects of the surface discharge of large amounts (possibly 2000 barrels/day/well) of water produced with the methane gas
- Potential for effects on aquifers by the removal of large amounts of water
- Increases in surface disturbing activities caused by construction of well pads and transportation systems
- Potential for effects on the domestic water wells in or near coal-bearing formations

Applications for Permit to Drill (APD) on coal-bed methane projects will continue to be accepted and processed to the point of approval by the BLM, Buffalo Resource Area Office. The timing of their approval has not been decided yet. The three options listed below are being considered. Comments on these methods would be appreciated.

Each APD received after this notice will be processed, though approval will not be granted until it is determined that it is in conformance with the EA, once it is completed.

APDs will be reviewed to determine if cumulative impacts may occur through their approval. If a determination is made that cumulative impacts might occur then approval may be delayed on some applications until completion of the EA.

Continue to process each APD, but approve only those which applicant(s)

can demonstrate that there is no cumulative relationship with existing or approved coal-bed methane wells.

Dated: August 24, 1989.

James Monroe,
District Manager.

[FR Doc. 89-20549 Filed 8-30-89; 8:45 am]
BILLING CODE 4310-22-M

[AZ-040-4333-09-SPCA]

Off-Road Vehicle Designation, Livestock Grazing Notice, and Establishment of Supplementary Rules for the San Pedro Riparian National Conservation Area, Arizona

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of decisions and
establishment of supplementary rules.

Off-Road Vehicle Designation Decision

Notice is hereby given relating to the use of off-road vehicles (ORVs) on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR part 8340. The following described lands under the administration of the Bureau of Land Management are designated as limited to off-road vehicle use.

The 47,668 acres affected by this designation are in the San Pedro Riparian National Conservation Area (NCA) in the Safford District. This designation is the result of resource management decisions made in the San Pedro River Riparian Management Plan, June 1989.

During the development of the San Pedro Environmental Impact Statement (EIS), Congress passed legislation designating the EIS area plus additional acreage as the San Pedro Riparian National Conservation Area. The legislation was signed by the President on November 18, 1988. There are about 56,431 acres authorized in the NCA. There is a difference in the acreages in this ORV designation and in the NCA. These additional lands will receive planning, including ORV designation, in the Safford District Resource Management Plan, now in preparation.

Limited Designation

Use Limited to Designated Roads— Use is limited to designated roads on all 47,668 acres by licensed, motorized vehicles. Vehicle travel, including the use of mountain bikes, is permitted only on roads designated for such use by BLM. All designated roads will be signed and identified on maps and brochures of the area.

This ORV designation applies to all vehicles regardless of their purpose. Emergency and administrative vehicles are excluded from this designation.

These decisions are final, become effective upon publication in the *Federal Register*, and will remain in effect until rescinded or modified by the authorized officer. This designation is consistent with the language in the enabling legislation for the NCA. The documentation describing the impact of this designation is available for review at the offices listed below.

Livestock Grazing Notice

Livestock grazing is prohibited on the unleased acquired lands for a 15 year period. This announcement constitutes an official notice of livestock closure for the unleased acquired lands in the San Pedro Riparian National Conservation Area. Any unauthorized grazing use on these lands will constitute a violation and is subject to the impoundment provisions of 43 CFR 4150.

Establishment of Supplementary Rules Summary

The purpose of these supplementary rules is to provide for the protection of persons, property, and public lands and resources. The San Pedro Riparian NCA is the area of consideration for the application of these supplementary rules. In addition to the regulations contained in 43 CFR 8365.2, the following supplementary rules will be applied to the NCA.

1. **Vehicle Use**—Licensed motorized and mechanized vehicles, including mountain bikes, are limited to designated roads. The use of unlicensed motorized vehicles is prohibited. All designated roads will be signed and identified on BLM maps and brochures available at parking areas and at BLM's administrative offices.

2. **Trapping**—Trapping is prohibited, except for health and public safety or administrative purposes as determined by BLM.

3. **Woodcutting**—Woodcutting is prohibited. Gathering of dead and down wood for use in campfires is permitted only for use in designated areas.

4. **Firearms Use**—Firearms discharge is permitted in the area north of Charleston Road and south of Arizona Highway 92 from September 1 to March 31 for the purpose of regulated hunting as authorized by the State of Arizona. The area between Charleston Road and Highway 92 is closed yearlong to either the immediate possession or discharge of firearms for the purpose of public safety. The discharge of firearms is also prohibited within 1/4 mile of developed

facilities. Target shooting and "plinking" are prohibited.

Hunting is subject to all the rules and regulations of the Arizona Game and Fish Department. Bow hunting is permitted anywhere, in accordance with State regulations during established hunting periods, except within 1/4 mile of developed facilities.

5. **Length of Stay**—Persons may occupy any specific location within developed campgrounds or on public lands for a period of not more than seven (7) days within any period of 21 consecutive days unless otherwise authorized.

6. **Overnight Camping Outside Developed Campgrounds**—Overnight camping outside developed campgrounds is allowed only with a permit. Permits can be obtained at the NCA's administrative offices. Backcountry campers are required to pack out all trash. Campfires are allowed only in designated areas. Overnight camping and campfires are prohibited within identified research natural areas (RNAs).

7. **Pets**—Pets, including hunting dogs, must be leashed at all developed facilities and in other posted areas. Unleashed hunting dogs may only be used during the recognized hunting period in the areas open to firearms discharge.

8. **Horse Use**—The tethering or corralling of horses is prohibited at campgrounds and picnic areas unless facilities have specifically been provided for such use or unless otherwise authorized. Horse use will be allowed in all other areas.

9. **Closures**—Portions of the NCA may be temporarily closed to all or specific types of public use for the protection of natural and cultural resources or to provide for public safety. These areas will be signed and displayed on maps on the local area.

10. **Metal Detectors**—The use of metal detectors is prohibited to protect cultural resources in the NCA.

DATES: These rules will be in effect upon publication in the *Federal Register*.

SUPPLEMENTARY INFORMATION: The authority for establishing supplemental rules is contained in 43 CFR 8365.1-6. The authority for establishing closures and restrictions is contained in 43 CFR 8364.1. These rules and restrictions were recommended and adopted through the San Pedro River Riparian Management Plan. These rules and restrictions will be available in the local offices having jurisdiction over the NCA.

ADDRESSES: For further information about the ORV designation or the

supplementary rules, contact either the Project Manager, Bureau of Land Management, San Pedro Riparian National Conservation Area, Box 9853, RR 1, Huachuca City, AZ 85616, telephone (602) 457-2265 or the Safford District Office, Bureau of Land Management, 425 East 4th Street, Safford, AZ 85546, telephone (602) 428-4040.

Dated: August 17, 1989.

Ray A. Brady,

District Manager.

[FR Doc. 89-20505 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-32-M

[OR-030-09-4332-10: GP9-309]

Off-Road Vehicle Designations; Vale District

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice given relating to restrictions of off-road motorized vehicle use on public lands.

SUMMARY: Notice is hereby given relating to the use of off-road vehicles on certain lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR part 8340.

The following lands under the administration of the Bureau of Land Management are changed from existing open designation and are hereby redesignated limited to designated roads and trails, in accordance with the Interim Management Policy and Guidelines for Lands under Wilderness Review.

The areas affected by the designations are managed by the Malheur Resource Area of the Vale District in Harney and Malheur Counties, Oregon.

These designations are published as final, and are in effect from the date of publication of this Federal Register Notice until such time that changes in resource management warrant modifications.

FOR FURTHER INFORMATION CONTACT: Bob Alward, Outdoor Recreation Planner, Bureau of Land Management, P.O. Box 700, Vale, Oregon 97918, telephone (503) 473-3144.

SUPPLEMENTARY INFORMATION:

Limited Designations—Fifteen Wilderness Study Areas (WSAs) comprising 269,280 acres will be managed in accordance with the nonimpairment criteria of the Wilderness Interim Management Policy which allows off-road vehicle use to continue in the same manner and degree on vehicular roads and ways where

such use was occurring on October 21, 1976. This redesignation from open to limited affects approximately 89,600 acres of public land within 14 of these WSAs which were previously designated as open. Current limited and closed off-road designations are not affected by this action.

WSA No.	WSA Name	Acres
3-18	Castle Rock	495
3-27	Beaver Dam Creek	20,020
3-31	Camp Creek	3,940
3-32	Cottonwood Creek	1,375
3-33	Gold Creek	3,940
3-35	Sperry Creek	1,110
3-47	Cedar Mountain	3,920
3-53	Dry Creek	22,895
3-56	Dry Creek Buttes	1,370
3-59	Owyhee Breaks	5,245
3-73	Blue Canyon	8,435
3-75	Slocum Creek	320
3-77A	Honeycombs	14,450
3-77B	Wild Horse Basin	2,085
Total		89,600

The limited vehicle use designations will remain in effect until Congressional designation as wilderness of these lands or until review and any subsequent changes through the Bureau of Land Management's land use planning process. At any time, should actual or unforeseeable use levels cause the wilderness nonimpairment criteria to be violated, more restrictive designations may be made.

The designations become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the Vale District Manager. Information and maps of the above areas are available at the Bureau of Land Management, Vale District Office, 100 Oregon Street, Vale, Oregon 97918, telephone (503) 473-3144.

David P. Lodzinski,

Acting District Manager.

[FR Doc. 89-20506 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-33-M

[CO-920-89-4111-15; COC44779]

Colorado; Proposed Reinstatement

Notice is hereby given that a petition for reinstatement of oil and gas lease COC44779 for lands in Moffat County, Colorado, was timely filed and was accompanied by all the required rentals and royalties accruing from April 1, 1989, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5 and 16% percent, respectively.

The lessee has paid the required \$500 administrative fee for the lease and has reimbursed the Bureau of Land

Management for the estimated cost of this Federal Register notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended, (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease effective April 1, 1989, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Jesse Broskey of the Colorado State Office at (303) 236-1772.

Janet M. Budzilek,

Chief, Fluid Minerals Adjudication Section.

[FR Doc. 89-20552 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-JB-M

[CA-050-43-7122-10-U041; CA 22874]

Realty Action; Noncompetitive Sale of Public Land in Siskiyou County

AGENCY: United States Department of Interior, Interior.

ACTION: Notice of realty action; noncompetitive sale of public land in Siskiyou County.

SUMMARY: The following public land has been found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 USC 1713), at not less than the estimated fair market value.

Mount Diablo Meridian

T. 41 N., R. 8 W.,

Section 8: E½NE¼SE¼NW¼NW¼

Containing approximately 1.43 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

SUPPLEMENTARY INFORMATION: This land is being offered by direct sale to Robert N. and Sigrid Burns, owners of contiguous land and improvements inadvertently located on this tract. It is has been determined that the subject parcel contains no known minerals values; therefore, mineral interests may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interests.

At least sixty days after publication of this notice, the subject parcel will be offered by direct sale to Robert N. and Sigrid Burns for the fair market value.

Failure to accept this offer of sale within 15 days shall constitute a waiver of this preference consideration. The lands would then be offered for competitive sale until sold pursuant to 43 CFR 2711.3-1 procedures. An appraisal for this tract will be available prior to sale in the Redding Bureau of Lands Management Office.

The patent, when issued, will contain reservations to the United States for ditches and canals, and will be subject to the following:

1. A right-of-way to Pacific Power and Light for a power line (SAC 046581).

2. A right-of-way to Siskiyou Telephone for telephone cable (CA 22711).

ADDRESS: Related information concerning specific conditions of the sale are available for review at the Redding Resource Area Office, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

DATE: For a period of 45 days from the date of publication of this notice in the *Federal Register*, interested parties may submit comments to the Area Manager, Redding Resource Area, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Patricia Cook, Realty Specialist, at the above address.

Mark T. Morse,
Area Manager.

[FR Doc. 89-20508 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-40-M

[NM-060-4340-90]

Realty Action; Exchange of Public Lands for Private Lands; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action—NM 77728; An Exchange of Public Land in Dona Ana, and Otero counties for Private Land in Eddy and Grant Counties, New Mexico.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Dona Ana County

T. 23 S., R. 3 E., NMPM.
Sec. 19: lots 1 & 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Otero County

T. 16 S., R. 10 E., NMPM.
Sec. 5: NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

The above lands aggregate 278.47 acres, more or less. This is a continuation of the exchange process as provided for in the Memorandum of Understanding between the New Mexico State Office Bureau of Land Management and The Nature Conservancy dated September 19, 1988. In exchange for an equal value of some of the above lands, the United States proposes to acquire the following lands from The Nature Conservancy:

Grant County

T. 16 S., R. 21 W., NMPM.
Sec. 11: E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 12: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14: N $\frac{1}{2}$ N $\frac{1}{2}$.

Eddy County

T. 25 S., R. 24 E., NMPM.
Sec. 25: Those lands in the W $\frac{1}{2}$ NW $\frac{1}{4}$, less those lands north and west of that certain Eddy County Road 418 more particularly described by metes and bounds as recorded on May 27, 1987, in the Eddy County Clerks office in Book 289, page 1043.

Sec. 26: Those portions of the E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$, lying southerly and easterly of that certain Eddy County Road 418, to be more particularly described by a cadastral survey to be performed.

Sec. 35: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$.

T. 26 S., R. 24 E., NMPM.
Sec. 2: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The above lands aggregate 1729 acres, more or less.

DATES: Comments must be submitted on or before October 16, 1989.

ADDRESS: Comments should be sent to Bureau of Land Management, P.O. Box 1778, Carlsbad Resource Area, New Mexico 88220.

FOR FURTHER INFORMATION CONTACT:

Area Manager, Carlsbad Resource Area or Alan E. Kraus at the address above or at (505) 887-6544.

SUPPLEMENTARY INFORMATION: The land to be transferred will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 USC 945.

2. Mineral resources that have potential for oil and gas, and geothermal and related right shall be reserved to the United States together with the right to prospect for, mine and remove the minerals.

3. All valid existing rights and reservations of record. The purpose of this exchange is to acquire lands along the Black River and the Apache Box.

These lands have been identified through the BLM planning process as having significant riparian values for wildlife habitat and for having high public recreational potential. The Apache Box lands are adjacent to the Apache Box Wilderness Study Area (WSA) and therefore will enhance the protection and preservation of the WSA.

Publication of this Notice in the *Federal Register* will segregate the public land from all appropriations under the public land laws, including the mining laws but not mineral leasing laws. This segregation will terminate upon the issuance of patent or 2 years from the date of publication of this Notice in the *Federal Register* or upon publication of a Notice of Termination.

Any adverse comments will be evaluated and a decision issued by the appropriate authorized officer. In the absence of any objection, this realty action will become the final determination of the Department of the Interior.

Francis R. Cherry, Jr.,
District Manager.

[FR Doc. 89-20509 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-FB-M

[WAOR 45087; OR-130-09-4212-13; GP9-278]

Realty Action; Exchange of Public Lands in Franklin County, Washington

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 13 N., R. 33 E.,
Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$

T. 13 N., R. 34 E.,
Sec. 24, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 14 N., R. 34 E.,
Sec. 30, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, Lot 1, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 14 N., R. 35 E.,
Sec. 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, Lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 14 N., R. 36 E.,
Sec. 4, Lots 1 and 2;
Sec. 6, Lots 3 and 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described above aggregates approximately 1,428 (\pm) acres in Lincoln County, Washington.

In exchange for these lands, the Federal Government will acquire the following described private lands:

Willamette Meridian

T. 25 N., R. 31 E.,

Sec. 12, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 26 N., R. 32 E.,

Sec. 31, Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 32, Portions NW $\frac{1}{4}$ lying west of
Lincoln Co. Rd. No. 1613.

The area described above aggregates approximately 777 (\pm) acres in Lincoln County, Washington.

The purpose of the land exchange is to facilitate resource management opportunities in the Wilson Creek area as identified in the Spokane District's Resource Management Plan. The private lands being offered have very important values for recreation, fish and wildlife habitat, and watershed management. The public interest will be highly served by making this exchange.

The value of the lands to be exchanged is approximately equal. The exchange proponent will be required to make a small payment to equalize the values of the lands based upon the approved appraisal.

The exchange is subject to:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All other valid existing rights, including but not limited to any right-of-way, permit, or lease of record. All existing oil and gas leases will remain in effect until expiration.

The publication of this notice in the Federal Register will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202.

For a period of 45 days, interested parties may submit comments to the Spokane District Manager at the above address. Any adverse comments will be reviewed by the State Director. In absence of any adverse comments, this realty action will become a final determination of the Department of the Interior.

Date of Issue: August 21, 1989.

Joseph K. Buesing,

District Manager.

[FR Doc. 89-20510 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-33-M

[NM-030-09-4333-12]

Supplementary Rules for Designated Recreation Sites

AGENCY: Bureau of Land Management, Interior.

ACTION: Rules of conduct and supplemental rules.

SUMMARY: This notice amends the previous notices published in the Federal Register, December 15, 1988 (Volume 53, No. 241) and July 24, 1989 (Volume 54, No. 140) establishing Supplementary Rules for Designated Recreation Sites, Special Recreation Management Areas and Other Public Land in the Las Cruces District, New Mexico.

La Cueva And Aguirre Spring Recreation Sites (Organ Mountains Recreation Lands)

1. The entrance gate located in T. 23 S., R. 3 E., Section 2 on the Dripping Springs road (controlling access to La Cueva Recreation Site, A. B. Cox Visitor Center, and Dripping Springs) will be locked at 6:00 p.m. from October 1 through March 31, and at 8:00 p.m. from April through September 30. Authorized permittees and administrative access are exempt from this closure.

2. The two gates located in T. 22 S., R. 4 E., Section 20 on the Aguirre Spring access road (controlling access to the Aguirre Spring Campground) will be locked at 6:00 p.m. from October 1 through March 31, and at 8:00 p.m. from April 1 through September 30. Use of the campground will be limited to overnight campers after the gates are locked. Authorized permittees and administrative access are exempt from this closure.

3. Exceptions to the vehicle closure of roads in Upper Ice Canyon (from the A. B. Cox Visitor Center to Dripping Springs and along the powerline road) will include administrative access, authorized permittees, and handicapped or otherwise physically disabled persons who obtain prior authorization.

DATES: These rules will become effective August 31, 1989.

FOR FURTHER INFORMATION CONTACT: Scott Florence, Multi-Resource Staff Chief, Bureau of Land Management, Mimbres Resource Area, 1800 Marquess, Las Cruces, NM 88005, (505) 525-8228 (FTS 571-8350).

SUPPLEMENTARY INFORMATION: The authority for establishing supplementary rules is contained in 43 CFR 8365.1-6. The authority for establishing closures and restrictions is contained in 43 CFR 8364.1. These rules and closures have been recommended and adopted through development of resource management plans and recreation management plans. These rules and closures will be available in each local office having jurisdiction over the lands, sites, or facilities affected.

Dated: August 23, 1989.

H. James Fox,

District Manager.

[FR Doc. 89-20507 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-FB-M

[UT-050-09-4410-06]

Proposed Resource Management Plan/Final Environmental Impact Statement; San Rafael Resource Area; Moab District, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of proposed resource management plan and final environmental impact statement.

SUMMARY: The proposed resource management plan and final environmental impact statement (RMP/EIS) for the San Rafael Resource Area, Moab District, Emery County, Utah and the Forest Planning Unit of the Sevier River Resource Area, Richfield District, Sevier County, Utah is available for distribution to the public, Federal, state and local agencies, and Indian tribes. The RMP will guide management of the public lands and resources in the San Rafael Resource Area and the Forest Planning Unit of the Sevier River Resource Area, Bureau of Land Management (BLM).

The RMP would provide comprehensive management for 1.5 million acres in Emery County and Sevier County, Utah. It would designate thirteen Areas of Critical Environmental Concern (ACECs). The EIS presents the RMP and six land use alternatives for management of the San Rafael Resource Area and Forest Planning Unit.

A 30-day protest period for the RMP will commence with publication of a Notice of Availability for the EIS in the Federal Register by the Environmental Protection Agency.

The RMP will be implemented after publication of a separate Record of Decision and Final RMP.

FOR FURTHER INFORMATION CONTACT:

James Dryden, San Rafael Resource Area Manager, BLM, 900 North 700 East, Price, Utah 84501; (801) 637-4584.

SUPPLEMENTARY INFORMATION: The San Rafael RMP/EIS analyzes six alternatives and the RMP. Each plan provides management guidance for all relevant resource programs administered by the BLM within the planning area. Various combinations of special designations are analyzed under the alternatives.

Alternatives Analyzed

1. Alternative A (no action) presents the continuation of current management.

2. Alternative B emphasizes the production of mineral resources and livestock forage.

3. Alternative C emphasizes opportunities for nonmotorized recreation and management of wildlife habitat to allow wildlife population to attain prior stable numbers.

4. Alternative D emphasizes the protection of watershed values and maximum protection of cultural resources.

5. Alternative E emphasizes maximum access and opportunities for motorized recreation.

6. Alternative F provides for the protection of critical soils, scenic resources within the San Rafael Swell, crucial wildlife habitat; special management for certain vegetation and cultural resource values; continuation of livestock, wild horse and burros use; and making public lands available for production of mineral resources.

7. The RMP provides for protection and management of the resource values described in Alternative F with slightly greater emphasis placed on protecting critical soils, scenic resources within the San Rafael Swell and crucial wildlife habitat; and managing certain vegetative and cultural values. The RMP would designate thirteen ACECs. The special

management designations are summarized in the accompanying table.

This action is announced pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, section 202(a) of the Federal Land Policy and Management Act of 1976, and 43 CFR 1610. The RMP is subject to protest from any adversely affected party who participated in the planning process. Protests must be made in accordance with the provisions of 43 CFR 1610.5-2. Protests must be received by the Director of the BLM, 18th and C Streets NW., Washington, DC 20240, within 30 days after the date of publication of Notice of Availability for the final EIS in the **Federal Register** by the Environmental Protection Agency.

Dated: August 23, 1989.

W.R. Papworth,
Acting State Director.

PROPOSED ACEC DESIGNATIONS

Name	Public Land Acres	Critical Values Protected	Summary of Special Conditions on Surface Use
Big Flat Tops.....	2,640	Relict Plant Community	Closed to mineral entry and leasing; no grazing; closed to ORV use; managed as VRM Class I; excluded from rights-of-way; closed to disposal of mineral materials.
Bowknot Bend	1,830	Relict Plant Community	Closed to mineral entry and leasing; no grazing; closed to ORV use; managed as VRM Class I; excluded from rights-of-way; closed to disposal of mineral materials.
Copper Globe.....	220	Historical Resources	Closed to mineral entry and leasing; ORV use limited to designated roads and trails; excluded from rights-of-way; managed as VRM Class II; closed to disposal of mineral materials.
Dry Lake Archaeological District	16,990	Cultural Resources.....	ORV use limited to designated roads and trails.
Highway I-70 Scenic Corridor.....	50,650	Scenic Values	No surface occupancy; closed to disposal of mineral materials; ORV use limited to designated roads and trails; managed as VRM Class I.
Muddy Creek *	27,510	Scenic and Historical Values	No surface occupancy; closed to disposal of mineral materials; ORV use limited to designated roads and trails; managed as VRM Class I.
Pictographs.....	40	Cultural Resources.....	Closed to mineral entry and leasing; excluded from rights-of-way; no grazing; ORV use limited to designated roads and trails; closed to disposal of mineral materials.
San Rafael Canyon			
Lower	12,540	Scenic Values	Closed to mineral entry and leasing; excluded from rights-of-way; closed to ORV use; managed as VRM Class I; closed to disposal of mineral materials.
Middle	15,930	Scenic Values	Managed as VRM Class II; ORV use limited to designated roads and trails; no grazing.
Upper	5,950	Scenic Values	Closed to mineral entry and leasing; excluded from rights-of-way; closed to ORV use; managed as VRM Class I; closed to disposal of mineral materials.
San Rafael Reef			
North.....	43,400	Scenic and Vegetation Values.....	Closed to mineral entry and leasing; excluded from rights-of-way; ORV use limited to designated roads and trails; managed as VRM Class I; closed to disposal of mineral materials.
South.....	25,320	Scenic Values	No surface occupancy; closed to disposal of mineral materials; ORV use limited to designated roads and trails; managed as VRM Class I.
Segers.....	7,120	Scenic Values	No surface occupancy; closed to disposal of Hole mineral materials; ORV use limited to designated roads and trails; managed as VRM Class I.
Sids Mountain	61,870	Scenic Values	No surface occupancy; closed to disposal of mineral materials; ORV use limited to designated roads and trails; managed as VRM Class I.
Swasey Cabin	220	Historic Values	Closed to mineral entry and leasing; closed to disposal of mineral materials; excluded from rights-of-way; no grazing; ORV use limited to designated roads and trails; managed as VRM Class II.
Temple Mountain Historic District	2,580	Historic Values.....	ORV use limited to designated roads and trails.

* (includes Tomsich Butte Special Emphasis Area).

[FR Doc. 89-20462 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-DQ-M

[ID-943-09-4214-11; IDI-14917 et al.]

Proposed Continuation of Withdrawal; Idaho**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that 170.37 acres of land withdrawn for two administrative sites and a recreation site continue for an additional 30 years based upon the anticipated remaining useful life of the associated improvements. The land will remain closed to surface entry and mining, but has been and will remain open to mineral leasing under the proposal.

EFFECTIVE DATE: Comments should be received on or before November 29, 1989.

FOR FURTHER INFORMATION CONTACT:

Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1735.

The U.S. Forest Service proposes that the existing land withdrawals made by the Secretarial orders dated June 29, 1908 and January 28, 1908, and General Land Office order dated June 19, 1912, be continued for a period of 30 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as they affect the following described land:

Boise Meridian

(IDI-14917)

Soldier Creek Recreation Area.

T. 2 N., R. 14 E.

Sec. 19, S $\frac{1}{2}$ SE $\frac{1}{4}$;Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$.

(IDI-25466)

Copper Basin Administrative Site

T. 6 N., R. 22 E. (unsurveyed),

Sec. 33, metes and bounds description within SE $\frac{1}{4}$ NE $\frac{1}{4}$.

(IDI-14944)

Fairview Administrative Site

T. 12 N., R. 26 E.,

Sec. 27, metes and bounds description within SW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 170.37 acres in Lemhi, Custer and Camas Counties.

The withdrawals are essential for protection of the recreation and administrative sites involved. The withdrawals closed the described land to surface entry and mining but not to mineral leasing. No change in the

segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued; and if so, for how long. The final determination of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

Dated: August 25, 1989.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 89-20550 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-09-4214-11; IDI-3374]

Proposed Continuation of Withdrawal; Idaho**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a 146.95 acre withdrawal for the Middle Fork Salmon River Scenic Area and two other recreation areas be continued for an additional 30 years. The land is still being used for recreation purposes. These lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing under the proposal.

EFFECTIVE DATE: Comments should be received on or before November 29, 1989.

FOR FURTHER INFORMATION CONTACT:

Larry R. Lievsay, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1735.

The U.S. Forest Service proposes that the existing land withdrawal made by Public Land Order No. 5207, for three recreation areas be continued for a period of 30 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, insofar as it affects the following-described land:

Boise Meridian

Five Points Recreation Area

T. 2 N., R. 14 E.,

Sec. 5, NE $\frac{1}{4}$ of lot 3.*Worswick Hot Springs Recreation Area*

T. 3 N., R. 14 E.,

Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.*Middle Fork Salmon River Scenic Area*

All of the designated Middle Fork Scenic River Area lying outside of Frank Church River of No Return Wilderness boundary in:

T. 14 N., R. 10 E. (unsurveyed),

Sec. 19, metes and bounds description;

Sec. 30, metes and bounds description.

The areas described aggregate 146.95 acres in Valley, Custer and Camas Counties.

The withdrawal is essential for protection of substantial capital improvements and recreation values. The withdrawal closed the described land to surface entry and mining but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Dated: August 25, 1989.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 89-20551 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-GG-M

Minerals Management Service

Locations and Dates of Public Hearings Regarding the Draft Supplement to the Final Environmental Impact Statement for the Proposed 5-Year Outer Continental Shelf Oil and Gas Leasing Program for Mid-1987 to Mid-1992

On August 24, 1989, a Federal Register Notice 54 FR 35256 announced the

availability of the draft Supplemental Environmental Impact Statement (SEIS) for the current 5-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program indicating that the exact dates, times, and locations of public hearings on the draft SEIS would be announced at a later date. The U.S. Court of Appeals for the District of Columbia ruled that the final EIS for the current 5-year program failed to adequately analyze the cumulative impacts of the current leasing program on migratory species. The SEIS supplements the previous analysis.

The purpose of these hearings is to receive specific comments on the adequacy of the draft SEIS and to provide the Secretary of the Interior with additional information from both public and private sectors to help evaluate fully the potential cumulative environmental effects of the current 5-year program on migratory species. This draft document pertains specifically to the current 5-year leasing program.

The public hearings are scheduled on the following dates and times at the following locations:

September 26, 1989, Portland, Oregon, Memorial Coliseum, Georgia Pacific Room, 1401 North Wheeler, 9 a.m. to 9 p.m., Contact: Mary Elaine Dunaway, (213) 894-4480

September 28, 1989, Sacramento, California, Beverly Garland Hotel, 1780 Tribute Road, 9 a.m. to 9 p.m., Contact: Mary Elaine Dunaway, (213) 894-4480

September 28, 1989, Anchorage, Alaska, Minerals Management Service, Sixth Floor Conference Room, 949 East 36th Avenue, 9 a.m. to 1 p.m., Contact: Michael Baffrey, (907) 261-4677.

The hearings in Portland, Oregon, and Sacramento, California, will recess from 12 noon until 1 p.m. and from 5:30 p.m. to 7 p.m.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearings are requested to contact the person listed above for the particular location at least 5 days prior to the hearing. Time limitations may make it necessary to limit the length of each oral presentation to 5 minutes or less. An oral statement may be supplemented, however, by a more complete written statement which should be submitted to the hearing officer at the time of the oral presentation. After the presentation of oral statements by those who have preregistered, if time is still available during the period of time listed for the hearings, other individuals will be given an opportunity to be heard.

Written comments on the draft SEIS including comments from individuals

unable to present oral statements or to attend the hearings will be accepted until October 17, 1989. All written comments should be mailed to the Associate Director for Offshore Minerals Management, Minerals Management Service, Mail Stop 644, 381 Elden Street, Herndon, Virginia 22070. Specify on the envelope "5-Year Program draft SEIS." Both the oral and written statements will be given equal consideration. After all the public hearing testimony and written comments on the draft SEIS have been reviewed and analyzed, a final SEIS will be prepared.

Dated: August 25, 1989.

Carolita Kallaur,

Acting Associate Director for Offshore Minerals Management, Minerals Management Service.

[FR Doc. 89-20461 Filed 8-30-89; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31502]

The Garden City Northern Railway, Inc.—Acquisition and Operation Exemption—The Atchison, Topeka and Santa Fe Railway Co. and the Garden City, Gulf and Northern Railroad Co.; Corrected Notice of Exemption¹

The Garden City Northern Railway, Inc. (GCN), a non-carrier, has filed a notice of exemption to acquire and operate approximately 30.59 miles of rail line located in Finney and Scott Counties, KS. The line, which extends between milepost 156.48 at or near Garden City and milepost 125.89 at or near Shallow Water, is presently owned by The Garden City, Gulf and Northern Railway Company and The Atchison, Topeka and Santa Fe Railway Company.

This transaction is related to a petition for exemption filed concurrently by Garden City Co-op, Inc. (Co-op), in Finance Docket No. 31503, *The Garden City Co-op, Inc.—Exemption from 49 U.S.C. 10746 and 11343*. That petition seeks an exemption from the requirements of 49 U.S.C. 11343 for Co-op to continue in control of GCN and from the provisions in 49 U.S.C. 10746, the "commodities clause". GCN expects to consummate this transaction upon Co-op receiving its exemption in Finance Docket No. 31203.

¹ The Notice served and published August 1, 1989 (54 FR 31739) incorrectly cited the docket number of the directly-related exemption in Finance Docket No. 31503.

Any comments must be filed with the Commission and served on: Thomas F. McFarland, Jr., Belnap, Spencer, McFarland, Emrich & Herman, 20 North Wacker Drive, Suite 3710, Chicago, IL 60606; and (2) Dennis W. Wilson, The Atchison, Topeka and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, IL 60604-2401.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: August 18, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-19985 Filed 8-30-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Amoco Chemical Co., et al.

In accordance with section 122 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622, and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a complaint styled *United States v. Amoco Chemical Company, et al.*, Civil Action No. 892734, was filed in the United States District Court for the Southern District of Texas on August 15, 1989, and, simultaneously, a consent decree was lodged with the Court in settlement of the allegations in the complaint. This consent decree settles the government's claims in the complaint pursuant to sections 104, 106 and 107 of CERCLA, 42 U.S.C. 9604, 9606, 9607, for injunctive relief to abate an imminent and substantial endangerment to the public health, welfare or the environment because of actual or threatened releases of hazardous substances from a facility, and for the recovery of response costs incurred by the United States with respect to a facility located southeast of Houston, Harris County, Texas, known as the "Brio Refining Site" (hereafter "the Site"). The complaint alleged, among other things, that the defendants are persons who by contract, agreement or otherwise arranged for disposal of hazardous substances at the industrial waste control Site or who arranged for transport of hazardous substances to the Site. The complaint further alleged that

the United States has incurred and will continue to incur response costs in response to the release or threat of release of hazardous substances.

Under the terms of the proposed consent decree, the defendants agree to fund and implement a remedy at the Brio Refining Site which includes excavation and either aqueous-phase biological treatment or onsite incineration of affected materials and soils, dismantlement of the chemical process facility, tanks and drums, construction of a cap and cover for waste impoundments, installation of a package wastewater treatment plant or the routing of wastewater to a POTW, and long-term monitoring of air and groundwater in the vicinity of the Site. The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *United States v. Amoco Chemical Company*, D.J. Ref. 90-11-2-325. The proposed consent decree may be examined at the following offices of the United States Attorney and the Environmental Protection Agency ("EPA"):

United States Attorney's Office

Contact: Chief, Civil Division, Office of the United States Attorney, U.S. Courthouse, 515 Rusk, Houston, Texas 77002, (713) 229-2600

EPA Region VI

Contact: Pamela Phillips, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 655-2120

Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. In requesting a copy of the decree, please enclose a check for copying costs in the amount of \$7.10

payable to Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20512 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to CERCLA; The Craig Wrecking Corp.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on August 21, 1989, a proposed consent decree in *United States v. The Craig Wrecking Corporation*, Civil Action No. C2-87-692 was lodged with the United States District Court for the Southern District of Ohio. The proposed consent decree resolves a judicial enforcement action brought by the United States against The Craig Wrecking Corporation and Stanley R. Craig for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, relating to violations of regulations governing the removal of asbestos materials.

The proposed consent decree requires the defendants to pay the sum of seven hundred dollars (\$700.00) to the United States Government as a civil penalty. The decree also orders these defendants not violate the asbestos removal violations in the future.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. The Craig Wrecking Corporation*, D.J. Ref. 90-5-2-1-1048.

The proposed consent decree may be examined at the office of the United States Attorney, 5th and Walnut Streets, 220 U.S. Post Office & Courthouse, Cincinnati, Ohio 45202.

Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.20 (10 cents per page

reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20513 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to CERCLA; The Craig Wrecking Corp.

In accordance with Department policy 28 CFR 50.7, notice is hereby given that on August 21, 1989, a proposed consent decree in *United States v. The Craig Wrecking Corporation*, Civil Action No. C2-87-692 was lodged with the United States District Court for the Southern District of Ohio. The proposed consent decree resolves a judicial enforcement action brought by the United States against the City of Cincinnati and Frank Messer and Sons Wrecking Company for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, relating to violations of regulations governing the removal of asbestos material.

The proposed consent decree requires the defendants to pay the sum of fourteen thousand dollars (\$14,000.00) to the United States Government as a civil penalty. The decree also orders these defendants not violate the asbestos removal violations in the future.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. The Craig Wrecking Corporation*, D.J. Ref. 90-5-2-1-1048.

The proposed consent decree may be examined at the office of the United States Attorney, 5th and Walnut Streets, 220 U.S. Post Office & Courthouse, Cincinnati, Ohio 45202.

Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.20 (10 cents per page

reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20514 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Donna, TX

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on August 3, 1989, a Partial Consent Decree in *United States v. City of Donna, Texas*, Civil Action No. M-88-023, was lodged with the United States District Court for the Southern District of Texas, McAllen Division.

The Partial Consent Decree requires the Taormina Corporation and Taormina Company to pay a civil penalty of \$60,000 to the United States, and to pay an additional amount of \$42,000 to the City of Donna, Texas, to upgrade its publically owned treatment works.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States v. City of Donna, Texas*, D.J. Ref. 90-5-1-1-3022.

The Consent Decree may be examined at the office of the United States Attorney, Southern District of Texas, Courthouse & Federal Building, 515 Rusk Avenue, Houston, Texas 77002; at the Region VI Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree can be obtained in person or by mail from the Department of Justice. In requesting a copy, please enclose a check in the amount of \$.60 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20515 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Consent Decree in Clean Water Act Enforcement Action; Menominee, MI

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a Consent Decree in *United States v. City of Menominee*, Civil Action No. M88-107 (W.D. Michigan), has been lodged with the United States District Court for the Western District of Michigan. The United States' Complaint in the action alleged that the City of Menominee violated the Clean Water Act by discharging waste in excess of the effluent limitations in the City's National Pollutant Discharge Elimination System (NPDES) permit.

The Consent Decree requires the City of Menominee to take a number of specified measures to ensure compliance with the Clean Water Act, including terminating acceptance of wastewater from the Menominee Paper Company, and upgrading facilities at the City wastewater treatment plant. Compliance with final permit effluent limits is to be achieved no later than November 1, 1989. The City of Menominee is also required to pay a civil penalty of \$105,000 to the United States.

The Department of Justice will receive for thirty (30) days from the publication date of this notice written comments relating to the judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and refer to *United States v. City of Menominee*, Civil Action No. M88-107 (W.D. Michigan), DOJ No. 90-5-1-1-3158.

The proposed Consent Decree may be examined without charge at the office of the United States Attorney, Federal Building, 399 Federal Building, Grand Rapids, Michigan 49503; at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. Copies of the Consent Decree may be requested in person or by mail from the Department of Justice, at the above address. A copying charge of \$1.60 (10 cents per page reproduction cost) must be paid, by check or money order payable to the Treasurer of the United States, at the time of the request.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20516 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Metro Wrecking Company, Inc.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Metro Wrecking Company, Inc.*, Civil Action No. 88CV27962DT, has been lodged with the United States District Court for the Eastern District of Michigan. The complaint filed by the United States alleged that the defendant violated the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and the National Emission Standard for Hazardous Air Pollutants for asbestos (the "asbestos NESHAPs") by failing to give the required notice of demolition work involving asbestos removal and by violating Federal regulations governing the proper handling and disposal of materials containing friable asbestos.

The proposed Decree requires Defendant to achieve and maintain compliance with the Act and its implementing regulations by reporting its demolition activities to the appropriate local, state, and/or federal agencies, retaining accredited asbestos abatement contractors for all jobs requiring asbestos removal, and submitting to U.S. EPA specified information regarding demolition projects on which Defendant bids unsuccessfully. The proposed Consent Decree also requires Defendant to pay a civil penalty of \$22,100 for its violations of the Act, and provides for substantial stipulated penalties in the event that Defendant fails to comply with any Decree requirements.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States v. Metro Wrecking Company, Inc.*, DJ Ref. No. 90-5-2-1-1205.

The proposed Consent Decree may be examined at the office of the United States Attorney, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan, 48226, and at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1647(d), Ninth Street and Pennsylvania Avenue, NW., Washington

DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of \$1.80 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20517 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Under Clean Water Act; Milford, OH

In accordance with Departmental policy, notice is hereby given that on August 24, 1989, a proposed Consent Decree in *United States v. City of Milford, Ohio*, Case No. C-1-88-0623, was lodged with the United States District Court for the Southern District of Ohio. The proposed Consent Decree resolves an action alleging violations of the Clean Water Act and a National Pollutant Discharge Elimination System (NPDES) permit at the City of Milford, Ohio's publicly-owned treatment works ("POTW"), by requiring the City of Milford to take corrective measures necessary to bring it into compliance with the Act and its permit and to pay to the United States and the State of Ohio a total civil penalty in the amount of \$70,000.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States v. The City of Milford, Ohio*, D.J. reference #90-5-1-1-3180.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Ohio, 220 U.S. Post Office and Courthouse Building, 5th & Walnut Streets, Cincinnati, Ohio, the Region V office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the

Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.60 (26 pages at 10 cents per page) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20518 Filed 8-30-89; 8:45am]

BILLING CODE 4410-01-M

Lodging of Proposed Consent Decree Under the Clean Water Act; Pine Bluff Waste-water Utility Commission and Arkansas

In accordance with Departmental policy and 28 CFR 50.7, notice is hereby given that on August 15, 1989, a proposed Consent Decree in *United States v. Pine Bluff Waste-water Utility Commission, and the State of Arkansas*, Civil Action No. PB-C-89-461 was lodged with the Eastern District of Arkansas, Pine Bluff Division. The complaint filed by the United States alleged several violations of the Clean Water Act by Pine Bluff Waste-water Utility Commission. The complaint sought to impose injunctive relief and civil penalties. The proposed Consent Decree imposes injunctive relief and civil penalties for past violations.

The Department of Justice will review for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States v. Pine Bluff Waste-water Utility Commission and the State of Arkansas*, Civil Action No. PB-C-89-461, (E.D. Ar.), D.J. #90-5-1-1-2798.

The proposed Consent Decree may be examined at the Clerk's Office of the United States District Court for the Eastern District of Arkansas, Pine Bluff Division, Room 3103, Post Office and U.S. Courthouse, 100 East Eight, Pine Bluff, Arkansas, 71601 and at the Region VI Office of the Environmental Protection Agency, Allied Bank Tower, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 2630, Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from

the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice at a cost of \$.10 per page, for a total of \$1.20.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20519 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; R.E.A.G., et al

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 15, 1989 a proposed consent decree in *United States v. R.E.A.G. et al.*, Civil Action No B-87-24 (TFGD), was lodged with the United States District Court for the District of Connecticut. The proposed consent decree concerns a complaint filed by the United States that alleged violations of section 112 of the Clean Air Act, 42 U.S.C. 7412 and the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Asbestos, 40 CFR part 61, subpart M during the renovation of the former Beverly Theater in Bridgeport, Connecticut. The complaint alleged that defendant AA Building Wrecking Co., Inc. ("A"), as well as other defendants R.E.A.G., Cristwood Associates, Inc., and Northern Asbestos Abatement Co., Inc., violated the asbestos NESHAP during the building renovation. The complaint sought injunctive relief to require compliance with the asbestos NESHAP and civil penalties for past violations. The proposed consent decree involves only the claims against defendant AA. The consent decree requires AA's president to take asbestos training courses and AA to refrain from demolition or renovation activities involving asbestos. AA is also required to pay a civil penalty of \$10,000 in settlement of the government's civil penalty claims. The consent decree only resolves the liability of AA and does not address the portions of the complaint against the other defendants.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. R.E.A.G. et al.*, D.J. Ref. 90-5-2-1-1076.

The proposed consent decree may be examined at the office of the United States Attorney for the District of Connecticut, Room 309, Federal Building and Courthouse, 915 Lafayette Blvd., Bridgeport, CT. 06604 and at the Region I Office of the United States Environmental Protection Agency, John F. Kennedy Federal Building, Boston, MA 02203-2211. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$1.40 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20520 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act; Wausau Chemical Co., et al.

In accordance with Departmental policy, notice is hereby given that on August 25, 1989, a proposed Consent Decree in *United States v. Wausau Chemical Company, et al.*, Case No. 87-C-919-C, was lodged with the United States District Court for the Western District of Wisconsin. The proposed Consent Decree provides for reimbursement by Wausau Energy Corporation to the United States of \$5,000 in response costs incurred by the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act at the Wausau Groundwater Contamination Site through January 5, 1985.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Wausau Chemical Company, D.J.* reference #90-11-2-286.

The proposed Consent Decree may be examined at the office of the United States Attorney, Western District of

Wisconsin, 120 North Henry Street, Madison, Wisconsin 53703, at the Region V office of the United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1647, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Richard B. Stewart,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-20521 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Act of 1984; Development of a Computer-Aided Armor Design/Analysis System

Notice is hereby given that, on August 7, 1989, pursuant to section 8(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act.") Southwest Research Institute ("SwRI") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of a party to its group research project regarding "The Development of a Computer-Aided Armor Design/Analysis System". The notification was filed for the purpose of invoking the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the SwRI advised that General Dynamics Land Systems Inc. (effective June 26, 1989) has become a party to the group research project.

No other changes have been made in either the membership or planned activity of the group research project.

On June 26, 1989, SwRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on July 20, 1989, 54 FR 30481.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-20522 Filed 8-30-89; 8:45 am]

BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Grant Award to Nova University, Center for the Study of Law-Civil Law Clinic for the Expansion and Development of a Law School Civil Clinical Program

AGENCY: Legal Services Corporation.

ACTION: Announcement of a grant award.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its intention to award a grant in the amount of \$47,825 to Nova University, Center for the Study of Law-Civil Law Clinic through the 1989-90 Law School Civil Clinical Program. The purpose of this grant is to render civil legal assistance to LSC-eligible clients who are also handicapped children. Pursuant to the Corporation's announcement of funding availability in Volume 54, No. 90, pages 20454 and 20455 of the *Federal Register* of May 11, 1989, a total of \$1,053,591 will be awarded to nineteen applicants for funding, including Nova University, Center for the Study of Law. Announcement of the grant awards to the other applicants was published in the August 15, 1989 and the August 23, 1989 issues of the *Federal Register*.

This one-year grant is awarded pursuant to authority conferred by sections 1006(a)(1)(B) and 1006(a)(3) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued pursuant to section 1007(f) of this Act, with a request for comments and recommendations within a period of thirty (30) days from the date of publication of this notice. The grant award will not become effective and grant funds will not be distributed prior to expiration of this thirty-day period.

DATE: All comments and recommendations must be received by the Office of Field Services of the Legal Services Corporation on or before September 30, 1989.

FOR FURTHER INFORMATION CONTACT: Charles T. Moses, III, Associate Director, or Victoria O'Brien, Counsel to the Director, Legal Services Corporation, Office of Field Services, 400 Virginia Ave., SW., Washington, DC 20024-2751, telephone number: (202) 863-1837.

SUPPLEMENTARY INFORMATION: This grant is issued to support the provision of legal services to client-eligible, handicapped children residing in or near Fort Lauderdale, Florida. The grant is intended to assist these children with cases falling under Florida's Education for All Handicapped Children's Act, Public Law 94-142. Through the Nova University clinical program, designed to

address this need, the Corporation educates law students to the legal problems of poor persons. This clinical experience encourages future lawyers to become interested in the provision of legal services to poor persons, acting either as legal aid attorneys or through *pro bono* or reduced fee efforts as members of the private bar.

Dated: August 29, 1989.

Ellen J. Smead,

Acting Director, Office of Field Services.

[FR Doc. 89-20681 Filed 8-30-89; 8:45 am]

BILLING CODE 7050-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by October 2, 1989. Permit applications may be inspected by interested parties at the Permit Office address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTAL INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected

Areas and Sites of Special Scientific Interest. Additional information was published in the *Federal Register* on July 17, 1989.

The applications received are as follows:

1. *Applicant:* Paul K. Dayton, Scripps Institution of Oceanography, La Jolla, CA 92093

Activity for Which Permit Requested:

Enter site of Special Scientific interest (SSSI). The applicant proposes to enter SSSI No. 1., Cape Royds in order to conduct scientific diving operations at Horsehoe Bay. The objective of this project is to conduct surveys of the mud bottom habitat and collect water samples. The Adelie penguin rookery will not be entered.

Location: Cape Royds, Ross Island, Antarctica.

Dates: November—December 1990.

2. *Applicant:* Cornelius W. Sullivan, Department of Biological Sciences, University of Southern California, Los Angeles, CA 90089

Activity for Which Permit Requested:

introduction of non-indigenous species into Antarctica. The applicant is conducting a study of photosynthetic energy transfer in ice algae. The study requires running parallel experiments using standard laboratory algal cultures. It is proposed to import three species of laboratory algal cultures to Antarctica for these experiments. The cultures will be used only in the laboratory and not introduced into the natural environment.

Location: McMurdo Station, Antarctica.

Dates: October—December 1989.

3. *Applicant:* Albert F. Bennett and Zoe A. Eppley, Ecology and Evolutionary Biology, University of California, Irvine, Irvine, CA 92717

Activity for Which Permit Requested:

Taking. Enter site of special scientific interest. The applicants have received Antarctic Conservation Act permit 89-4 for a study of physiological adaptation of Antarctic birds to cold. They request permission to collect 45 sheathbill eggs (of the 75 previously permitted) from Harmony Point SSSI.

Location: Harmony Point SSSI, Nelson Island, Antarctica.

Dates: December 1989—January 1990.

Charles E. Myers,

Permit Office.

[FR Doc. 89-20523 Filed 8-30-89; 8:45 am]

BILLING CODE 7555-01-M

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT:

Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On July 17, 1989, the National Science Foundation published a notice in the *Federal Register* of permit applications received. Permits were issued to the following individuals on August 22, 1989:

1. Zoe A. Eppley and Albert F. Bennett
2. William R. Fraser
3. Arthur L. DeVries
4. Gerald L. Kooyman
5. W. Zehnder and J. Claus
6. Mark D. Osadjan

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 89-20524 Filed 8-30-89; 8:45 am]

BILLING CODE 7555-01-M

Delegation of Award-Approval Authority From the National Science Board to the National Science Foundation Director

AGENCY: National Science Foundation.

ACTION: Notice of delegation of award-winning authority from the National Science Board to the Director of the National Science Foundation.

SUMMARY: This notice sets forth a delegation of authority from the National Science Board to the Director of the National Science Foundation that was adopted by the Board on August 18, 1989. This delegation is required by section 5(e)(1) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1864(e)(1)). It enables the Director to exercise the authority provided by section 11(c) of the NSF Act (42 U.S.C. 1870(c)) to enter into contracts, grants, and other arrangements for such scientific and engineering activities as the Foundation deems necessary for the purposes of the Act. Publication of this notice is required by section 5(e)(2) of the NSF Act (42 U.S.C. 1864(e)(2)).

DATE: This delegation of authority was effective on August 18, 1989.

FOR FURTHER INFORMATION CONTACT:

Thomas Ubois, Executive Officer, National Science Board, National Science Foundation, Washington, DC

20550, 202-357-9582 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The following is the delegation:

(1) The Director of the National Science Foundation shall make no award involving a total commitment of more than six million dollars or more than one and one-half million dollars in any one year without the prior approval of the National Science Board, except for:

a. Any award for a new project or facility where the Board has approved a project development plan and budget and has not specifically required approval of the award; or

b. Any continuing project, facility, or logistics-support arrangement listed in the Exemption List attached to this resolution. Such Exemption List is to be compiled, at least annually, for each calendar year for NSB approval in November of the preceding calendar year.

(2) Paragraph (1)a. does not apply, however, if the award amounts would exceed the corresponding amounts specified in the budget accompanying the development plan by either: (1) More than eight percent times the number of full years since the initial award for that project or facility, or (ii) more than twenty-four percent.

(3) Except as provided in paragraphs (1) and (2) or by specific resolution of the National Science Board, the Board hereby delegates to the Director authority to make any award within the authority of the Foundation, consistent with the authority of the Board to approve the Foundation's programs.

(4) Except as provided in paragraph (2) or by specific resolution of the National Science Board, when the Board approves the award of a specific amount of funds, the Director may subsequently amend the award to commit additional sums, not to exceed ten percent of the amount specified, or to change the expiration date of the award.

(5) This resolution is effective for two years and supersedes and replaces the resolution of the National Science Board on this subject adopted in August 1987.

As stated in its final section, this delegation replaces an earlier one on the same subject. This delegation, like those preceding it, is a matter of internal agency management and therefore not subject to Executive Order 12291 of February 17, 1981 (3 CFR 1981 Comp., p. 127). Publication of this notice is required by section 5(e)(2) of the NSF Act (42 U.S.C. 1864(e)(2)), which was enacted by section 109(b) of the National Science Foundation

Authorization Act, Fiscal Year 1986 (99 Stat. 889; Pub. L. 99-159).

Dated: August 23, 1989.

Thomas Ubois,
Executive Officer.

[FR Doc. 89-20525 Filed 8-30-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

Consumers Power Co.; Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-20 issued to the Consumers Power Company (the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment involves revising the Palisades Plant Technical Specifications (TS) relating to containment integrity. Specifically, the proposed amendment, submitted by application dated September 15, 1988, and supplemented by letter dated June 23, 1989, would revise Technical Specification sections 1.4, 3.6.1, and 3.6.5, and would add a new section 4.5.6. The proposed amendment also would add a new Table 3.6.1 to identify all containment penetrations and isolation valves.

The Need for the Proposed Action

The changes proposed are needed to (1) allow for manual operation of certain containment isolation valves for the purpose of sampling the Safety Injection Tanks for boron while the reactor is at power, (2) provide consistency with the Standard Technical Specifications with respect to containment isolation valve requirements, and (3) reflect the present containment vent pathway.

Environmental Impacts of the Proposed Action

TS section 4.2, Table 4.2.1.5, Minimum Frequencies for Sampling Tests, requires monthly sampling of the Safety Injection Tanks for boron concentration. To obtain the required sample, it is necessary to open the manual isolation valves associated with the Safety Injection Tank drain line and route the flow to the sample tap at the Nuclear Steam Sampling System. However, the current TS section 3.6.1, Containment

Integrity, does not allow the opening of manual containment isolation valves except when the plant is in the cold shutdown condition. The proposed amendment would allow these valves to be opened while the plant is operating for the purpose of obtaining the required sample. The potential impact of this change is that a release of radioactive material could occur while the valves are opened for sampling. For a release to occur, however, the following conditions would have to exist concurrently:

1. An accident which results in core damage and release of fission products to the reactor coolant,

2. A pathway for fission products to reach the environment from the reactor coolant via a failure of two check valves between the Reactor Coolant System and the Safety Injection Tank discharge piping, and

3. The required safety injection tank sampling in progress with the manual containment isolation valves open.

An alternate accident scenario for a release to occur would be the following conditions concurrently:

1. An accident which results in core damage and release of fission products to the containment from the reactor coolant,

2. A pathway for fission products to reach the environment from the containment via a failure of the Safety Injection Tank drain line so as to create communication of the containment atmosphere with the environment, and

3. The required safety injection tank sampling in progress with the manual containment isolation valves open.

The first alternative scenario is beyond the design basis for the plant in that two check valves must fail for the pathway to exist. The plant design basis is that only a single active or passive component is assumed to fail during the course of the accident.

The Final Safety Analysis Report offsite dose calculations are based on Standard Review Plan assumptions for the maximum hypothetical accident. Those assumptions do not consider failure of lines penetrating containment. Therefore, the alternate scenario for activity release discussed above, which would require such a line failure, is beyond the plant design basis.

The proposed amendment would change the definition of "Containment Integrity" to reflect the addition of Table 3.6.1 and TS section 4.5.2. Table 3.6.1 lists all containment penetrations and the penetration isolation requirements. TS section 4.5.2 adds surveillance requirements for the containment valves. Neither the definition change, the added table listing penetration

isolation requirements, nor the added surveillance requirements affect the installation or manner of operation of any plant equipment beyond permitting opening of the manual valves discussed above.

The Commission has completed its evaluation of the environmental impact of the proposed amendment and has determined that there would be no increase in any radiological plant effluents released offsite during normal (non-accident) operation.

The Commission has also determined that the probability of accidents has not been increased by the proposed changes, and that post-accident radiological releases would not be greater than determined previously. The proposed changes do not increase individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that this action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed changes to requirements with respect to the use of a facility component and a change to a surveillance requirement involves systems located within the restricted area as defined in 10 CFR part 20. The changes do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on June 20, 1989 (54 FR 25920). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce the environmental impacts attributable to this facility. Denial of the action would prevent sampling the safety injection tanks from outside the containment. Although an alternate sampling scheme is possible, entry into containment would be required and would result in substantially increased occupational radiation exposure.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement dated February 1978 related to operation of the Palisades Plant.

Agencies and Persons Contacted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the application for amendment dated September 15, 1988, and letter dated June 23, 1989, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 22nd day of August 1989.

For the Nuclear Regulatory Commission,
Albert De Agazio,
Acting Director, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-20496 Filed 8-30-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-341; Fermi-2]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECo) and the Wolverine Power Supply Cooperative, Incorporated (the licensees) for the operation of Fermi-2 located in Monroe County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specifications (TS) to clarify the requirements for operation with the Moisture Separator Reheater (MSR) out of service.

The proposed action is in accordance with the licensees' application for

amendment dated January 27, 1988 as supplemented May 10, 1989.

The Need for the Proposed Action

The proposed changes to the TS are required in order to properly reflect the bases for operation with an MSR out-of-service. The Fermi-2 transient analyses take credit for the MSR being in service. However, the TS do not currently restrict operation with an MSR out-of-service.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The proposed revision would (1) modify TS 3/4.7.9 by specifying operating limitations of the MSR; (2) clarify that the limits in TS 3/4.2.3, Figure 3.2.3-1 (Curve B) apply to the operating scenario for the MSR out-of-service; and (3) provide an additional limitation (Curve C) to TS Figure 3.2.3-1 for the operating scenario of an inoperable main turbine bypass and MSR out-of-service. Therefore, the proposed changes do not increase the probability or consequences of any accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact and could result in the reduction of the radiological impacts.

With regard to potential nonradiological impacts, the proposed changes to the TS involve systems located within the restricted area as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on April 5, 1988 (53 FR 11151). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Because the Commission has concluded that there is no significant environmental impact associated with the proposed amendment, any alternative would have either no or

greater environmental impact. The principal alternative would be to deny the requested amendment. This would not provide the needed limitations for operation with an MSR out-of-service.

Alternative Use of Resources

This action involves no use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Fermi-2," dated August 1981.

Agencies and Persons Consulted

The Commission's staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated January 27, 1988 as supplement May 10, 1989, which are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th day of August 1989.

For the Nuclear Regulatory Commission,
Albert W. De Agazio,
Acting Director, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-20492 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341; Fermi-2]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECO) and the Wolverine Power Supply Cooperative, Incorporated (the licensees) for the operation of Fermi-2 located in Monroe County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specifications (TS) for Primary Containment Isolation Valves by removing the Traversing Incore Probe (TIP) Purge System Primary Containment Isolation Valve from the TS.

The proposed action is in accordance with the licensees' application for amendment dated March 10, 1989.

The Need for the Proposed Action

The proposed changes to the TS are required in order to reflect the elimination of the TIP Purge System Primary Containment Isolation Valves from the plant design. The purge system is being modified to achieve compliance with General Design Criterion 56 of appendix A of 10 CFR 50.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The proposed revision would reflect the elimination of the TIP Purge System Primary Containment Isolation Valves and the sealing of the associated penetration with a qualified welded cap which will be leak tested per 10 CFR part 50, appendix J. This will reduce the probability of leakage during an accident from this potential leakage path. In addition, a reduction in occupational radiation exposure can be expected because of lower maintenance, inspection and testing requirements of the new design. Therefore, the proposed changes do not increase the probability or consequences of any accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact and could result in the reduction of the radiological impacts.

With regard to potential nonradiological impacts, the proposed changes to the TS involve systems located within the restricted areas as defined in 10 CFR part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and

Opportunity for Hearing in connection with this action was published in the **Federal Register** on August 1, 1989 (54 FR 31750). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Because the Commission has concluded that there is no significant environmental impact associated with the proposed amendment, any alternative would have either no or greater environmental impact. The principal alternative would be to deny the requested amendment. This would prevent the design modifications and thus prevent compliance with General Design Criterion 56.

Alternative Use of Resources

This action involves no use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Fermi-2," dated August 1981.

Agencies and Persons Consulted

The Commission's staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated March 10, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th of August 1989.

For the Nuclear Regulatory Commission,
Albert W. De Agazio,
Acting Director, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-20493 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341; Fermi-2]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECo) and the Wolverine Power Supply Cooperative, Incorporated (the licensees) for the operation of Fermi-2 located in Monroe, County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specifications (TS) for Isolation Actuation Instrumentation. The table entries previously listed in a section entitled "Containment Isolation" are separated into two sections; one for Primary Containment and one for Secondary Containment isolation functions. Revisions to table entries, table notations and nomenclature are made to either more clearly reflect the plant configuration, remove duplication or ambiguity, or reflect the new sections of the table. Provisions have been included to allow routine testing of the Reactor Water Cleanup system without necessitating removal of the system from service. In addition, the definition of Channel Calibration is revised to better reflect standard industry practice.

The proposed action is in accordance with the licensees' application for amendment dated December 22, 1988.

The Need for the Proposed Action

The proposed changes to the TS are required in order to provide clearer, more usable TS requirements which more clearly reflect the plant configuration.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The proposed revision would separate the requirements currently grouped together under Table Sections entitled "Containment Isolation" into two sections; one for Primary Containment and one for Secondary Containment isolation functions. Table entries, table notations and nomenclature are revised to more clearly reflect the plant configuration, remove duplication or ambiguity or reflect the new table sections. These above changes are proposed to improve the ability of the plant operators to

effectively use the TS and do not modify the intended isolation actuation instrumentation requirements. New provisions have been proposed to allow routine testing of the Reactor Water Cleanup System (RWCS) without necessitating removal of the RWCS from service provided other means of accomplishing the function under test is provided during the test period. This will reduce the probability of RWCS failure and subsequent potential radiological release due to cyclic fatigue from frequent RWCS shutdowns for testing. In addition, the definition of Channel Calibration is revised solely to better reflect standard industry practice by including specific provisions for channels with Resistance Temperature Detector or Thermocouple sensors. Therefore, the proposed changes do not increase the probability or consequences of any accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact and could result in the reduction of the radiological impacts.

With regard to potential nonradiological impacts, the proposed changes to the TS involve systems located within the restricted area as defined in 10 CFR part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on June 26, 1989 (54 FR 29118). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Because the Commission has concluded that there is no significant environmental impact associated with the proposed amendment, any alternative would have either no or greater environmental impact. The principal alternative would be to deny the requested amendment. This would not provide the safety benefits of clearer, more usable TS requirements or eliminate the potential cyclic fatigue of frequent RWCS shutdowns for testing.

Alternative Use of Resources

This action involves no use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Fermi-2," dated August 1981.

Agencies and Persons Consulted

The Commission's staff reviewed the licensees' request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated December 22, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th day of August 1989.

For the Nuclear Regulatory Commission.

John O. Thoma,

Acting Director, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-20494 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341; Fermi-2]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company (DECo) and the Wolverine Power Supply Cooperative, Incorporated (the licensees) for the operation of Fermi-2 located in Monroe County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would

revise the Technical Specification (TS) to reflect the use of sodium pentaborate enriched with the Boron-10 isotope to meet the requirements of the Anticipated Transient Without Scram (ATWS) Rule, 10 CFR 50.62. The proposed change also corrects some inconsistencies between Action Statements in sections 3/4.1.5 and 3/4.8.4.5.

The proposed action is in accordance with the licensee's application for amendment dated May 11, 1989.

The Need for the Proposed Action

The proposed changes to the TS are required in order to meet the requirements of the Anticipated Transient Without Scram (ATWS) Rule, 10 CFR 50.62.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. The proposed revision would reflect the use of sodium pentaborate enriched with the Boron-10 isotope to enhance the SLCS to meet the ATWS Rule, 10 CFR 50.62. The proposed revision would also modify the TS Actions and Surveillance Requirements to be consistent with the use of enriched Boron. The use of enriched Boron also reduces the required concentration of sodium pentaborate which causes the solution saturation temperature to decrease. This eliminates the need for supplemental heat tracing and the proposed TS reflect this by eliminating the requirements for heat tracing. Therefore, the proposed changes do not increase the probability or consequences of any accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological impact and could result in the reduction of the radiological impacts.

With regard to potential nonradiological impacts, the proposed changes to the TS involve systems located within the restricted area as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on July 11, 1989 (54 FR 29118). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Because the Commission has concluded that there is no significant environmental impact associated with the proposed amendment, any alternative would have either no or greater environmental impact. The principal alternative would be to deny the requested amendment. This would prevent compliance with the ATWS rule, 10 CFR 50.62.

Alternative use of Resources

This action involves no use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Fermi-2," dated August 1981.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated May 11, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 24th day of August 1989.

For the Nuclear Regulatory Commission
Albert De Agazio,
Acting Director, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-20495 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-498]

Houston Lighting & Power Co., et al. South Texas Project, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. NPF-76, issued to Houston Lighting & Power Company, et al., (the licensee) for the South Texas Project, Unit 1, located at the licensee's site in Matagorda County, Texas.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would make changes to the plant and the Final Safety Analysis Report regarding design changes to the Unit 1 core. The changes are the same as those resulting from a similar review for Unit 2, thus giving both plants a common licensing basis.

The proposed action is in accordance with the licensee's application for amendment dated June 1, 1989.

The Need for the Proposed Action

The proposed changes are necessary to describe the core and accompanying accident analysis for Cycle 2 for the South Texas Project, Unit 1 (STP-1).

Environmental Impacts of the Proposed Action

An assessment was made of the potential impact of the change on the radiological assessment of the design basis accidents (DBA's). The DBA which was most affected by the changes was the locked rotor. The thyroid dose changed from 0.73 rem to 1.04 at the Exclusion Zone Boundary (EZB) and 1.07 rem to 1.53 rem in the Low Population Zone (LPZ). Whole body doses changed from 0.029 rem to 0.038 rem at the EZB and from 0.018 rem to 0.022 in the LPZ. These changes are small and well within the 10 CFR part 100 limits of 25 rem for the EZB and 300 rem within the LPZ. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact. With regard to potential non-radiological impacts, the proposed change involves systems located within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on June 13, 1989 (54 FR 25184). No request for hearing or petition for leave to intervene was filed following this notice.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement (NUREG-171, August 1986) for the South Texas Project, Units 1 and 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For information concerning this action, see the application of amendment dated June 1, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Wharton County Junior College, J.M. Hodges Learning Center, 811 Boling Highway, Wharton, Texas 77468 and Austin Public Library, 810 Guadalupe Street, Austin, Texas 78701.

Dated at Rockville, Maryland this 22nd day of August 1989.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-20501 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Joint Subcommittees on Severe Accidents and Probabilistic Risk Assessment; Meeting

The ACRS Subcommittees on Severe Accidents and Probabilistic Risk Assessment will hold a joint meeting on September 19, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, September 19, 1989—8:30 a.m. until the conclusion of business.

The Subcommittees will discuss the second draft of NUREG-1150, "Severe Accident Risks: An Assessment for Five U.S. Nuclear Power Plants."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: August 22, 1989.

Richard Savio,

Acting Assistant Executive Director for Project Review.

[FR Doc. 89-20454 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Severe Accidents; Meeting

The ACRS Subcommittee on Severe Accidents will hold a meeting on September 20, 1989, Room P-110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, September 20, 1989—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the proposed Generic Letter by NRR, the NRC research program, and the NUMARC/EPRI, activities in the accident management area.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Dean Houston (telephone 301/492-9521) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any

changes in schedule, etc., which may have occurred.

Dated: August 22, 1989.

Gary R. Quittschreiber,
Chief, Project Review Branch No. 2.
[FR Doc. 89-20455 Filed 8-30-89; 8:45 am]
BILLING CODE 7590-01-M

Annual License Fees for Fiscal Year 1990 for Power Reactor Operating Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of amount of fiscal year 1990 annual fees for nuclear power reactor operating licenses.

SUMMARY: The Nuclear Regulatory Commission is hereby publishing the amount of the annual fees to be assessed during fiscal year 1990 for nuclear power reactor operating licenses.

FOR FURTHER INFORMATION CONTACT: H. Lee Hiller, Deputy Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301/492-7351.

Background and Notice of Fees

On December 29, 1988, the Nuclear Regulatory Commission published a final rule which revised its fee schedules contained in 10 CFR parts 170 and 171. This regulation implemented the requirements of 5601 of the Omnibus Budget Reconciliation Act of 1987 as signed into law on December 22, 1987 (Pub. L. 100-203). The law requires the NRC to collect under 10 CFR parts 170 and 171, as well as other provisions of law, not less than 45 percent of the Commission's budget for each of fiscal years 1988 and 1989. Congress limited for 45 percent recovery provision to fiscal years 1988 and 1989 after which the NRC's authority to collect fees reverts back to the level of 33 percent of the budget. As of this date, the Congress has not amended the Public Law. Therefore, for fiscal year 1990, the law requires that approximately 33 percent of the budget be collected. Based on ongoing actions by the Congress, the NRC fully expects, however, that the law will be changed to a recovery level in excess of 33 percent. Because Congress has neither changed the law nor passed an appropriation for fiscal year 1990, the NRC, in accordance with 10 CFR 171.13, is publishing the amount of the annual fees for fiscal year 1990 based on the existing law of 33 percent of the President's budget of \$475 million.

Notice is hereby given, pursuant to 10 CFR 171.13, that the annual fees to be assessed in fiscal year 1990 are those amounts shown in Table I below for each nuclear power operating license. When the Congress passes a final appropriation for fiscal year 1990, the annual fee will be revised and the effected licensees notified pursuant to 10 CFR 171.13.

TABLE I—ANNUAL FEES FOR OPERATING POWER REACTORS—FY 1990

	Containment type	Annual fee
Westinghouse Reactors		
1. Beaver Valley 1	PWR-Large Dry Containment.	\$718,000
2. Beaver Valley 2	do	718,000
3. Braidwood 1	do	718,000
4. Braidwood 2	do	718,000
5. Byron 1	do	718,000
6. Byron 2	do	718,000
7. Callaway 1	do	718,000
8. Diablo Canyon 1	do	710,000
9. Diablo Canyon 2	do	710,000
10. Farley 1	do	718,000
11. Farley 2	do	718,000
12. Ginna	do	718,000
13. Haddam Neck	do	718,000
14. Harris 1	do	718,000
15. Indian Point 2	do	718,000
16. Indian Point 3	do	718,000
17. Kewaunee	do	718,000
18. Millstone 3	do	718,000
19. North Anna 1	do	718,000
20. North Anna 2	do	718,000
21. Point Beach 1	do	718,000
22. Point Beach 2	do	718,000
23. Prairie Island 1	do	718,000
24. Prairie Island 2	do	718,000
25. Robinson 2	do	718,000
26. Salem 1	do	718,000
27. Salem 2	do	718,000
28. San Onofre 1	do	710,000
29. Seabrook 1	do	718,000
30. South Texas 1	do	718,000
31. South Texas 2	do	718,000
32. Summer 1	do	718,000
33. Surry 1	do	718,000
34. Surry 2	do	718,000
35. Trojan	do	710,000
36. Turkey Point 3	do	718,000
37. Turkey Point 4	do	718,000
38. Vogtle 1	do	718,000
39. Vogtle 2	do	718,000
40. Wolf Creek 1	do	718,000
41. Zion 1	do	718,000
42. Zion 2	do	718,000
43. Catawba 1	PWR-Ice Condenser	735,000
44. Catawba 2	do	735,000
45. Cook 1	do	735,000
46. Cook 2	do	735,000
47. McGuire 1	do	735,000
48. McGuire 2	do	735,000
49. Sequoyah 1	do	735,000
50. Sequoyah 2	do	735,000
Combustion Engineering Reactors		
1. Arkansas 2	PWR-Large Dry Containment.	727,000
2. Calvert Cliffs 1	do	727,000
3. Calvert Cliffs 2	do	727,000
4. Ft. Calhoun 1	do	727,000
5. Maine Yankee	do	727,000
6. Millstone 2	do	727,000
7. Palisades	do	727,000
8. Palo Verde 1	do	718,000
9. Palo Verde 2	do	718,000
10. Palo Verde 3	do	718,000
11. San Onofre 2	do	718,000
12. San Onofre 3	do	718,000
13. St. Lucie 1	do	727,000
14. St. Lucie 2	do	727,000
15. Waterford 3	do	727,000

TABLE I—ANNUAL FEES FOR OPERATING POWER REACTORS—FY 1990—Continued

	Containment type	Annual fee
Babcock & Wilcox Reactors		
1. Arkansas 1	PWR-Large Dry Containment.	866,000
2. Crystal River 3	do	866,000
3. Davis Besse 1	do	866,000
4. Oconee 1	do	866,000
5. Oconee 2	do	866,000
6. Oconee 3	do	866,000
7. Rancho Seco 1	do	866,000
8. Three Mile Island 1	do	866,000
General Electric Plants		
1. Browns Ferry 1	Mark I	742,000
2. Browns Ferry 2	do	742,000
3. Browns Ferry 3	do	742,000
4. Brunswick 1	do	742,000
5. Brunswick 2	do	742,000
6. Clinton 1	Mark III	759,000
7. Cooper	Mark I	742,000
8. Dresden 2	do	742,000
9. Dresden 3	do	742,000
10. Duane Arnold	do	742,000
11. Fermi 1	do	742,000
12. Fitzpatrick	do	742,000
13. Grand Gulf 1	Mark III	759,000
14. Hatch 1	Mark I	742,000
15. Hatch 2	do	742,000
16. Hope Creek 1	do	742,000
17. LaSalle 1	Mark II	743,000
18. LaSalle 2	do	743,000
19. Limerick 1	do	743,000
20. Limerick 2	do	743,000
21. Millstone 1	Mark I	742,000
22. Monticello	do	742,000
23. Nine Mile Point 1	do	742,000
24. Nine Mile Point 2	Mark II	743,000
25. Oyster Creek	Mark I	742,000
26. Peach Bottom 2	do	742,000
27. Peach Bottom 3	do	742,000
28. Perry 1	Mark III	759,000
29. Pilgrim 1	Mark I	742,000
30. Quad Cities 1	do	742,000
31. Quad Cities 2	do	742,000
32. River Bend 1	Mark III	759,000
33. Shoreham	Mark II	743,000
34. Susquehanna 1	do	743,000
35. Susquehanna 2	do	743,000
36. Vermont Yankee	Mark I	742,000
37. Washington Nuclear 2	Mark II	743,000

The above fees are applicable beginning October 1, 1989 and will be collected in accordance with 10 CFR part 171. The analysis used for determining the annual fees is available in the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC 20555, the Gelman Building.

Dated at Bethesda, MD, this 25th day of August 1989.

For the Nuclear Regulatory Commission.

Ronald M. Scroggins,
Controller.

[FR Doc. 89-20500 Filed 8-30-89; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-170; License No. R-84; EA 88-289]

Defense Nuclear Agency Armed Forces Radiobiology Research Institute (AFRRI); Order Imposing Civil Monetary Penalty

I

Defense Nuclear Agency, AFRRI, (licensee) is the holder of License No. 50-170 (license) issued by the Nuclear Regulatory Commission (Commission or NRC) which authorizes the licensee to possess and operate the reactor as a utilization facility at the designated location in Bethesda, Maryland. The license was issued on June 26, 1962.

II

An NRC safety inspection of the licensee's activities under the license was conducted on October 26-28 and November 7, 1988. During the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. Further, based on NRC review of the findings of the Area Director of the United States Department of Labor's (DOL) Wage & Hour Office in Baltimore, Maryland, the NRC also found that one of the licensee's former employees who raised certain safety concerns was discriminated against, in violation of another NRC requirement. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated March 22, 1988. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. Two responses, dated May 4, 1989, to the Notice of Violations and Proposed Imposition of Civil Penalty, were received from the licensee denying one violation, denying portions of another violation, and requesting mitigation of the civil penalty.

III

Upon consideration of the licensee's response and the statement of facts, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support has determined that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, It is Hereby Ordered That:

The licensee pay a civil penalty in the amount of Two Thousand Five Hundred Dollars (\$2,500) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and Mailed to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Attention: Document Control Desk, Washington, DC 20555 with a copy to the Regional Administrator, Region I.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issue to be considered at such hearing shall be: (a) Whether the licensee was in violation of the Commission's requirements as set forth in Violation B.1.a, B.1.b, B.2, and D of the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above, and (b) whether, on the basis of the admitted and contested violations, this Order should be sustained.

Dated at Rockville, Maryland this 22nd day of August 1989.

For the Nuclear Regulatory Commission
Hugh L. Thompson, Jr.,
Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support.

Appendix—Evaluation and Conclusions

On March 22, 1989, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during a routine NRC inspection and as a result of the NRC's review of the findings of the Area Director of the United States Department of Labor's (DOL) Wage & Hour Office in Baltimore, Maryland. The licensee responded to the Notice in two letters, dated May 4, 1988, and admits two of the violations

in total (A and C); admits two of the five examples of one violation (B.3. and B.4.); denies three examples of that violation (B.1.a., B.1.b. and B.2); and denies one violation in total (D). The licensee also requests that the civil penalty not be imposed. The NRC's evaluation and conclusion regarding the licensee's response are as follows:

I. Restatement of Contested Violations

B. Technical Specification 6.3, Procedures, requires written procedures for certain activities (including the conduct of experiments that could affect the operation and safety of the reactor; checkout startup, standard operations, and securing the facility) to assure safe operation of the reactor.

1. Reactor Operations Procedures III, Maintenance Procedures, written pursuant to Technical Specification 6.3.1, requires that malfunctions are annotated in the Malfunction Logbook by the operator who discovered the deficiency.

Contrary to the above,
a. on July 26, 1988 and August 1, 1988, the Gas Stack Monitor (GSM) malfunctioned, but this malfunction was not recorded in the Malfunction Logbook; and

b. on June 3, 1987, the GSM pump was turned off due to an apparent malfunction (smell of smoke), but this condition was not recorded in the Malfunction Logbook.

2. Reactor Operation Procedure I, Conduct of experiments, written pursuant to Technical Specification 6.3, requires that a Reactor Use Request (RUR) be completed prior to conduct of an experiment prior to irradiation.

Contrary to the above, an experiment was conducted on October 8, 1985, and an RUR was not completed prior to irradiation.

D. 10 CFR 50.7 prohibits discrimination by a Commission licensee, or a contractor or subcontractor of a licensee, against an employee for engaging in certain protected activities. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, and privileges of employment. The protected activities are established in section 210 of the Energy Reorganization Act, and in general, are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act or the Energy Reorganization Act.

Contrary to the above, in October 1988, Angela Munno, a reactor operator for the Defense Nuclear Agency, was discriminated against by the licensee in that she was reassigned to duties outside the reactor area for engaging in protected activities consisting of her raising allegations of safety violations. These allegations were raised to facility management and were related to possible technical specification violations.

II. Summary of Licensee Response and NRC Evaluation

A. Concerning Licensee's Denial of example B.1.a

Summary of Licensee Response. In its response, the licensee asserts that no violation occurred on July 26, 1988 because the Reactor Logbook entries for that date

contain no indication of a Gas Stack Monitor (GSM) malfunction and that normal GSM operation for July 26, 1988 was confirmed by review of the Daily Operational Startup and Shutdown Checklists. The licensee also contends that abnormal readings and a data dump caused by an electrical storm on the previous day (July 25, 1988), and which was discovered during testing on July 26, 1988, did not constitute a malfunction of the GSM requiring a recording in the Malfunction Log.

The licensee also states that no violation on August 1, 1988 because entries in the Reactor Operations Logbook for August 1, 1988 show no indication of a GSM malfunction and that only the GSM Printer had malfunctioned on August 2, 1988 resulting in the inability of the operators to print the one hour historical report. The licensee contends that the notation on the relevant line of the Daily Operational Shutdown Checklist signifying "N/A" meant "not available" and that the unit otherwise properly performed on August 2, 1988 and thus, there was no malfunction on August 1, 1988 requiring a recording in the Malfunction Log.

NRC Evaluation. The absence of documentation of a malfunction of the GSM in the Reactor Logbook for July 26, or August 1, 1988 is insufficient to establish that the violation did not occur as stated. The NRC has concluded that a malfunction occurred based on abnormal readings in the GSM Historical Logbook which indicate an electrical upset and data dump on July 25, 1988 which was discovered on July 26, 1988. Although the data dump may have occurred as a result of the outside effect caused by the power loss from a storm, Reactor Operations Procedure III, para. 3, does not distinguish between malfunctions caused by external and internal conditions. Thus, a malfunction within the meaning of the procedure occurred on July 26, 1988 which required recording in the Malfunction Logbook.

With respect to the August 1, 1988 malfunction, the NRC considers the GSM printer to be an integral part of the GSM system and a printer malfunction is within the meaning of Reactor Operations Procedure III. Furthermore, others of the licensee's staff apparently considered the printed failure to be a malfunction within the meaning of the referenced procedure in that another operator recorded the malfunction the following day on August 2, 1988.

B. Concerning Licensee's Denial of Example B.1.b.

Summary of Licensee Response. The licensee states that the GSM was not turned off on June 3, 1987 because of a malfunction (smell of smoke) which would require a recording in the Malfunction Logbook. The licensee states that the GSM pump was turned off only because the pump noise level interfered with the conduct of a 9:00 a.m. meeting on the reactor deck and was restarted after the meeting. During the time the pump was shut down, no reactor runs were conducted.

NRC Evaluation. On June 3, 1987 AFRRRI Reactor Facilities Director told the two NRC inspectors that the reason the GSM was shut down earlier on that date was because of a concern over the smell of smoke. Therefore,

the NRC has concluded that this violation occurred as stated in the Notice.

C. Concerning Licensee's Denial of Example B.2.

Summary of Licensee Response. The licensee asserts that the reactor run, performed on October 8, 1988 was not an "experiment" requiring a Reactor Use Request (RUR). The licensee states the reactor run was one of a series made that day to modify a radiation environment that had been previously achieved but as to which precise core configurations were not known. Thus, the licensee maintains the reactor run constituted an example of a reactor test authorized by Technical Specification 6.4.2c, "Reactor Parameters Authorization," rather than an "experiment" requiring an RUR.

NRC Evaluation. Technical Specification 6.4.2c, "Reactor Parameters Authorization," authorizes routine measurement of reactor parameters, routine core measurements and other instrumentation and calibration checks to verify reactor outputs. In this instance, the reactor run involved the insertion of test cells into the reactor with no intention or purpose of obtaining routine reactor parameters. Instead, the reactor run was conducted in an effort to identify specific core configurations through which a slow neutron flux to produce a radiation environment could be produced that would kill the test cells. The NRC concludes that this reactor run can only be interpreted as an experiment requiring an RUR and is not a reactor test authorized by Technical Specification 6.4.2c.

D. Concerning Licensee's Denial of Violation D

Summary of Licensee Response. The licensee denies that it discriminated against an employee for engaging in protected activities (raising safety concerns) by reassigning the employee to duties outside the reactor area. The licensee asserts that upon initial receipt of the employee's allegations, an aggressive investigation of the concerns, which included attempts to obtain more specific information from the employee, was initiated and these attempts to gain further information led the employee to believe that she was being discriminated against.

The licensee states that the basis of the violation (Department of Labor investigation findings) was narrowly focused on the month prior to reassignment of the employee (September-October 1988) and failed to properly account for the actual reasons in the larger context for the employee's temporary reassignment which included a sequence of events involving the employee beginning in April 1988. The licensee maintains the employee's transfer from her duties as a Reactor Operator was not a consequence of her engaging in protected activity. Rather, it was the result of the stressful environment in the Operations Department created by deteriorating co-worker and supervisor-subordinate relationships between the employee and the remainder of the staff which had the potential to lead to unsafe reactor operations.

Furthermore, the licensee states that the employee's temporary removal was not proscribed within the definition of

"discrimination" in the regulation since it had no effect on her "compensation, terms, conditions and privileges of employment." The licensee concludes that the reason for the reassignment action (reactor operational safety) fits an example of a "nonprohibited consideration" permits by 10 CFR 50.7(d).

NRC Evaluation. Notwithstanding the departmental stress and deteriorated relationships that may have existed within the Operations Department as a result of personnel conflicts between licensee management, staff, and the employee in question, based on the record established by the Area Director of DOL, the NRC concludes that the employee would not have been reassigned on October 13, 1988 had she not raised safety concerns relative to violations of requirements within the Operations Department. Further, the NRC agrees with the conclusions of the Department of Labor investigations that if the employee had recanted the allegations made on her performance appraisal, she would not have been removed and the subsequent management actions taken to support her removal would not have taken place. The Department of Labor Area Director determined that while the alleged personnel problems with the employee were said to be the basis for her removal, it was significant that the problems existed since April 1988, yet there was no management effort to formally pursue or consider her removal until immediately after the employee declined to recant her concerns in October 1988. He also found that the perceived detrimental impact on safe reactor operations as a result of the negative staff/employee relationship was only formally surfaced "after the fact" by management in an effort to support the removal.

In sum, the NRC does not dispute that there were tensions within the Operations Department between the employee and the remainder of the staff. However, the protracted period of time in which these personnel problems were said to exist during which time there was no formal management action against the employee, coupled with the employee's immediate transfer after the concerns were raised and management's "after the fact" attempt to justify the transfer, supports the conclusion that the employee was removed as a direct result of raising safety concerns. Such actions clearly carry a "chilling effect" on other employees who in the future may wish to raise safety concerns.

With respect to the assertion that the temporary removal of the employee was not discriminatory because it had no adverse effect on the "compensation, terms, conditions and privileges of employment," the NRC notes that the employee was employed as a reactor operator and to be removed to duties outside of the reactor area is clearly adverse to the terms and conditions for which she was hired. The removal of an individual from a skilled position to general duties unrelated to the individual's expertise is detrimental to her potential when compared to that of her peers. Further, because the NRC had concluded that the removal occurred because the employee was engaged in protected activities, rather than

for reactor operational safety reasons, the removal action does not constitute a "nonprohibited consideration" within the meaning of 10 CFR 50.7(d).

E. Concerning Licensee's Position That the Civil Penalty Should Not Be Imposed

Summary of Licensee Response. The licensee asserted in its May 4, 1989 response that a civil penalty should not be imposed since there are constitutional reasons which prohibit imposition of a civil penalty on APFRI as another agency of the Federal Government. Further, the licensee states that the civil penalty may not be payable since there is a question under federal appropriations law as to whether an agency's appropriations are available to pay the penalty. The licensee implies that there has been some discrepancies in holdings by the Comptroller General in connection with this issue and therefore the disbursing or certifying official should obtain an advance decision from the Comptroller General under 31 U.S.C. § 3529. The licensee states that action will be taken to obtain such a decision. Lastly, the licensee asserts that, even as to the violations admitted, the problems actually present were not of environmental or safety significance and do not warrant imposition of a fine.

NRC Evaluation. The licensee withdrew its argument regarding the constitutionality of the imposition of civil penalties by the NRC on another agency of the Federal Government in a letter dated June 29, 1989. Regarding the question raised by the licensee as to whether its appropriations are available to pay the civil penalty, this provides no basis for the NRC not to follow the process established by the Atomic Energy Act (Section 234) and the Commission's regulations to issue an Order Imposing a Civil Monetary Penalty for violations by any person, defined to include other federal agencies, of applicable requirements. In addition, it should be noted that other agencies of the federal government licensed by the NRC have paid civil penalties for violations of NRC requirements. See, e.g., letter from Gary D. Vest, Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health), to Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, NRC, dated June 30, 1989.

The NRC does not accept the licensee's assertion that the violations are not of environmental or safety significance. The violations represent weaknesses in the general conduct of facility operation. Although each of these violations, when reviewed individually, may not be significant, when reviewed in total, they reflect a breakdown in the licensee's program to control the conduct of operations. The NRC relies on its licensees to self-identify and correct potential problems before they can become a serious problem. The failure of the licensee to identify and correct the problems that led to the violations, and to ensure that individuals who identify safety concerns feel free to raise them to management without fear or reprisal, is a significant safety concern.

III. NRC Conclusion

For the reasons set forth above, the NRC has concluded that the violations occurred as stated in the Notice and mitigation or remission of the civil penalty is not warranted. Therefore, a civil penalty in the amount of \$2,500 should be imposed.

[FR Doc. 89-20498 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322; License No. NPF-82]

Long Island Lighting Co.; Shoreham Nuclear Power Station Unit 1

Notice is hereby given that three Petitions have been received regarding the Shoreham Station. By Petition dated July 14, 1989, James P. McGranery, Jr., on behalf of the Shoreham-Wading River Central School District, requested that action be taken with regard to Shoreham Nuclear Power Station Unit 1. By Petition dated July 26, 1989, James P. McGranery, on behalf of Scientists and Engineers for Secure Energy, Inc. (SE2), requested that the same action be taken, on the same bases, as that which he requested in the Petition filed on behalf of the Shoreham-Wading River Central School District. Specifically, the Petitioner requests that the Executive Director for Operations issue an immediately effective order to Long Island Lighting Company to cease and desist from any and all activities related to the defueling and destaffing of the facility and return to the "status quo ante" pending further consideration by the Commission. The Petitioner further requests that such an order be accompanied by an announcement of the Commission's intention to fine the licensee a substantial amount per day for any violation or continuing violation of the Commission's orders.

As bases for his request, the Petitioner asserts that (1) the defueling of the core of the Shoreham Station involves an unreviewed safety question, because it is unnecessary and because the increased risk of accidents in the transfer of fuel to the spent fuel pool outweighs the slight additional margin of safety provided by the spent fuel pool, and, as such, requires prior Commission approval in accordance with 10 CFR 50.59; (2) the issuance of the full-power operating license for the facility was premised, among other things, on adequate staffing, and the licensee has now declared to the Commission its intention to willfully reduce staffing by about half, which would violate the basis of the issuance of its license and the licensee's prior commitments to the Commission; (3) the

lack of maintenance activities at the facility is contrary to a March 1989 Operational Readiness Assessment Report; (4) the licensee's plan to substitute fossil-fuel-burning units for the Shoreham Station is a matter that may result in a significant increase in an adverse environmental impact previously evaluated in the Final Environmental Statement for the operating license and, as such, presents an unreviewed environmental question that requires prior Commission approval; (5) such an order would allow for a full environmental review pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality guidelines, and the Commission's regulations in 10 CFR part 51; and (6) the issuance of a license amendment authorizing decommissioning is a major Commission action significantly affecting the quality of the environment and requires an environmental impact statement or supplement to an environmental impact statement as specified in 10 CFR 51.20 (b)(5) and (b)(13).

In addition, by Petition dated August 4, 1989, Leonard Bickwit, Jr., on behalf of the Long Island Association, requested that action be taken with regard to Shoreham Nuclear Power Station, Unit 1. Specifically, the Petitioner requests that the Director, Office of Nuclear Reactor Regulation, issue an order to Long Island Lighting Company to suspend its "Minimum Posture" activities pending an investigation and an environmental review.

The above described requests are being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The Petitions have been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). By letter dated July 20, 1989, the Petitioner's request of July 14, 1989 for immediate action was denied. As provided by § 2.206, appropriate action will be taken on the Petitions within a reasonable time.

Copies of the Petitions and the July 20 letter are available for public inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 24th day of August 1989.

For the Nuclear Regulatory Commission.
Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 89-20497 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-05980 et al., License No. 37-00030-02 et al.; EA 89-29]

Safety Light Corp. et al.; Order Modifying Licenses (Effective Immediately)

In the matter of: Safety Light Corp., United States Radium Corp., USR Industries, Inc., USR Lighting, Inc., USR Chemical, Inc., USR Metals, Inc., USR Natural Resources, Inc., Lime Ridge Industries, Inc., Metreal, Inc.; and all other successor corporations to either USR Industries or U.S. Radium Corp. (herein referred to as the Corporations)

[Docket Nos.: 030-05980, 030-05982, 030-5981, 030-06335, 030-08444; License Nos.: 37-00030-02, 37-00030-08, 37-00030-07E, 37-00030-09G, 37-00030-10G]

I

Safety Light Corporation (Safety Light) is the named licensee on Byproduct Material License Nos. 37-00030-02, 37-00030-08, 37-00030-07E, 37-00030-09G, and 37-00030-10G, issued by the Nuclear Regulatory Commission (NRC).

License No. 37-00030-02 authorizes the possession, storage, and use of any byproduct material for purposes of decontamination, cleanup, and disposal of equipment and facilities previously used for manufacturing, research and development in operations performed at the facility located at 4150-A Old Berwick Rd., Bloomsburg, PA (the Bloomsburg facility). License No. 37-00030-02 was originally issued on June 20, 1956 and was renewed on January 25, 1979. This license has been under timely renewal since February 29, 1984.

License No. 37-00030-08 authorizes the licensee to conduct research and development and to manufacture various devices containing tritium. License No. 37-00030-08 was originally issued on August 5, 1969, and was last renewed on January 6, 1983. This license has been under timely renewal since December 31, 1987. The above licenses permit use of material only at facilities at 4150-A Old Berwick Road, Bloomsburg, Pennsylvania.

License No. 37-00030-07E authorizes the distribution of timepieces, hands and dials to which luminous paint containing tritium has been applied, to persons exempt from NRC licensing pursuant to 10 CFR 30.15. License No. 37-00030-07E was originally issued on April 16, 1965 and was last renewed on May 27, 1986. This license expires on April 30, 1991.

License No. 37-00030-09G authorizes the distribution of luminous devices containing tritium to persons generally licensed pursuant to 10 CFR 31.5. License No. 37-00030-09G was originally issued on January 13, 1966 and was last renewed on October 24, 1983. This

license has been under timely renewal since October 31, 1988.

License No. 37-00030-10G authorizes the distribution of sealed self-luminous sources to persons generally licensed pursuant to 10 CFR 31.7. License No. 37-00030-10G was originally issued on December 13, 1961 and was last renewed on April 22, 1985. This license expires on April 30, 1990.

II

The buildings, soil and groundwater at the Bloomsburg facility, collectively hereafter referred to as the Bloomsburg facility or facility, have become radioactively contaminated as a result of past operations at the facility. The known principal radionuclides contaminating the facility are tritium, strontium-90 (Sr-90), cesium-137 and radium-226. The levels of radioactivity exceed those that would permit unrestricted access to the facility. Tritium has also been detected off-site in the well of a nearby house. Although the tritium in that well is not yet above drinking water limits set by the U.S. Environmental Protective Agency, further off-set contamination is likely to occur over time due to the movement of groundwater and soil erosion. Pits at the facility contain unknown types and quantities of radioactive material that pose a potential threat to the health and safety of employees and others at the facility.

III

To ensure that the Corporations would characterize the type and extent of radioactive contamination at the Bloomsburg facility, and plan and implement an orderly and timely decontamination of the facility, an Order Modifying Licenses (Effective Immediately) and Demand for Information was issued by the NRC on March 16, 1989 to the Corporations. This Order required the preparation of plans for site characterization and decontamination and specified, as part of the required site characterization plan, that "the plan shall specify the amount of funds that each of the Corporations is to provide for implementation of the plan" (section VII.B of the Order).

In two letters dated April 17, 1989, the Corporations filed answers to the March 16, 1989 Order. On June 2, 1989, after receiving an extension of time to comply with the requirement of the Order to submit a characterization plan for the site, the Corporations submitted a Joint Characterization Plan (JCP) prepared by IT Corporation for providing a radiological assessment of the Bloomsburg facility. The NRC reviewed

the plan and found that it did not satisfy the terms of the Order in a number of significant respects, which were described in a letter from the NRC to the Corporations dated June 16, 1989. The NRC informed the Corporations that they were in apparent violation of the Order, and described the actions that might follow as a result of this failure to comply with the terms of the Order. Among the many apparent violations of the Order, the NRC noted in its June 16, 1989 letter that the Corporations had failed to specify funding as required by section VII.B of the Order.

The other apparent violations of the Order included: (1) The failure to describe a complete radiological and geohydrological survey of all facilities and of the surrounding surface and subsurface soil and groundwater to determine radionuclide concentrations and their lateral and depth profiles, as well as their movement in the groundwater; (2) the failure to provide for the characterization of the source of tritium contamination and for the radioactive source term, and for assessment of contaminant transport in the groundwater; (3) the failure to address the assessment of the extent to which lagoons and drainage canals are actively releasing contaminants to the environment; (4) the failure to address the characteristics of the sources of radiological contamination which may exist off-site, in general, or on the adjacent property, in particular; (5) the failure to address the assessment of the extent and rate of the off-site transport of contaminated groundwater; and (6) the failure to describe the actions that will be taken to determine whether Sr-90 and other radioactive nuclides besides tritium have also been transported off-site in groundwater.

Subsequently, the NRC held an Enforcement Conference with the Corporations on July 6, 1989. At that conference, the NRC informed the Corporations that the JCP failed to comply with the requirements of the March 16, 1989 Order. With respect to the financial aspects of the JCP, the Corporations made it clear that the JCP submitted on June 2, 1989, was intended to determine if there are any immediate health effects and reflected the Corporations' limited financial capability. The Corporations indicated that implementation of the June 2, 1989 JCP was estimated to cost \$116,000 and that implementation of the characterization plan required by the Order would cost about \$1,000,000. The Corporations reiterated their limited financial condition in a letter to the NRC dated July 14, 1989 and stated that

approximately \$115,000 was the total amount of funds available for site characterization. The NRC has independently estimated the cost of implementation of the site characterization plan which meets the requirements of the March 16, 1989 Order and has determined that \$1,000,000 (plus or minus 30%) is a reasonable estimate. Based upon information provided to the NRC by the Corporations, it appears that the net income of Safety Light Corporation is approximately \$200,000 per year and USR Industries is presently running a deficit. Assets of USR Industries appear to be approximately \$5,000,000, some of which may be encumbered. The President of USR Industries indicated a willingness to sell an interest in a building in Houston, Texas, to raise funds to accomplish the JCP proposed by the Corporations.

By letter dated August 10, 1989, the Corporations submitted a site characterization plan prepared by IT Corporation. The August 10th plan was stated to meet the intent of NRC's Order of March 16, 1989. While this plan described certain planning, implementation, reporting, scheduling, and quality assurance activities, the plan failed to provide any indications related to the funding to implement the plan, as required by the March 16, 1989 Order and as indicated previously in the NRC's letter dated June 16, 1989. By letter dated August 17, 1989, Safety Light Corporation certified that it committed to jointly fund the plan with USR Industries, et. al. up to a total of \$115,000, of which Safety Light will fund fifty percent, with the balance required for implementation of the plan being sought from their insurance carriers. By certification dated August 18, 1989, USR Industries, Inc. and its wholly owned subsidiaries certified that they intend to fund the plan up to 50 percent of projected total costs of \$115,000 and to the extent practicable seek the balance of funds from their respective insurance carriers. These certifications are inadequate to provide assurance that the require site characterization plan, which is estimated to cost approximately \$1,000,000,000 will be funded. The continued failure to assure adequate funding to complete implementation of a site characterization plan which satisfies the March 16th Order is a significant concern to the NRC. The NRC's assessment of the technical adequacy of the plan will be described in future correspondence.

IV

The Corporations' failure to provide assurance of adequate funding to complete implementation of a satisfactory site characterization plan, the uncertainty regarding the nature and extent of contamination at the Bloomsburg facility, and the statements made by the Corporations' principal officers as to the limited financial resources available for site characterization, let alone decontamination, demonstrate that additional actions are immediately needed to protect public health and safety by assuring that sufficient resources are made available by the Corporations to initiate the site characterization and taken necessary immediate remedial action for any significant health and safety problems. Based on the above, I have determined, pursuant to 10 CFR 2.204, that the public health, safety, and interest require that this Order be made immediately effective.

V

In view of the foregoing, and pursuant to sections 81, 161b, 161c, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR parts 30 and 32, It is Hereby Ordered, effective immediately, that license Nos. 37-00030-02, -08, 07E, -09G, and -10G are modified as follows:

A. The Corporations shall establish a trust pursuant to a trust agreement as specified below and, within 30 days of the date of this Order, shall submit an originally signed duplicate of the trust agreement to the Regional Administrator, NRC Region I (hereafter referred to as Regional Administrator);

B. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency;

C. The Corporations:

1. Shall make payments into the trust fund on or before the dates specified in the following schedule:

Date	Deposit required
October 2, 1989	\$50,000
November 1, 1989	50,000
December 1, 1989	50,000
January 2, 1990	50,000
February 1, 1990	100,000
March 1, 1990	100,000
April 2, 1990	100,000
May 1, 1990	100,000
June 1, 1990	100,000
July 2, 1990	100,000
August 1, 1990	100,000
September 4, 1990	100,000
Total	1,000,000

The Corporations shall be jointly and severally responsible for satisfying this payment schedule;

2. Shall, within 7 days of payment scheduled under section V.C.1 above, certify to the Regional Administrator, under oath or affirmation, that the payment has been made as required;

3. May accelerate payments into the trust fund or may deposit the full amount specified above at the time the fund is established. However, they must maintain the value of the fund at no less than the value that the fund would have if the payments were made as specified above;

4. Will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee, or a suspension or revocation of the authority of the trustee institution to act as trustee, and must establish a new trust that meets the requirements given below within 60 days after such an event.

D. The trust agreement shall provide that:

1. The Corporations shall be the Grantors of the trust;

2. The Grantors shall establish the trust to provide assurance that funds will be available to implement an NRC-approved plan to characterize the type and extent of the radioactive contamination at the Bloomsburg facility and to take immediate remedial action at any time such action is necessary;

3. The Grantors shall designate an identified individual, who is a responsible corporate officer, as the Grantors' authorized representative, and two alternates;

4. The Grantors or the Grantors' authorized representative shall, with written approval from the Regional Administrator, select a contractor to implement the site characterization plan, which contractor will be the beneficiary of the trust, and which may be replaced by the Grantors on reasonable notice, with written approval from the Regional Administrator;

5. The Grantors or the Grantors' authorized representative shall have the option of selecting one or more additional contractors to plan or implement remedial action at the facility, or both, with the written approval from the Regional Administrator, which contractors would be additional beneficiaries of the trust, and which may be replaced by the Grantors on reasonable notice, with

written approval from the Regional Administrator;

6. The Trustee shall make disbursements from the trust fund to the beneficiary or beneficiaries as the Grantors or the Grantors' authorized representative shall direct in writing, with written approval of the Regional Administrator for disbursements exceeding \$5,000, or as the Regional Administrator shall direct in writing;

7. The Grantors' payments of principal into the trust fund shall consist of cash, but may also consist of short-term obligations of the United States government or other property as the Regional Administrator shall approve in writing;

8. The Trustee shall invest and reinvest the principal and income of the trust fund, including interest earned, and keep the trust fund invested, without distinction between principal and income, in accordance with the following provisions: the Trustee shall hold the trust fund in demand deposits that earn interest and are insured by an agency of the United States government or in short-term obligations of the United States government, provided, however, that the Trustee may hold cash awaiting investment or distribution for a reasonable time (approximately five working days) without liability for the payment of interest;

9. The Trustee shall: (1) Within seven days after the end of each month beginning with October 1989, provide to the Regional Administrator a summary of the disbursements made during the past month to include: the date of disbursement, amount of disbursement, party receiving disbursement, and purpose for or activity accomplished by disbursement; and (2) within seven days after the end of each quarter beginning October 2, 1989, furnish to the Regional Administrator a summary accounting statement of the trust fund for the past quarter, to include: amounts paid into the trust fund, disbursements from the trust fund, interest earned, and the current value of the trust fund;

10. The Trustee may resign, or the Grantors may replace the Trustee, but such resignation or replacement shall not be effective until (1) the Grantors notify the Regional Administrator in writing that the Grantors have appointed a successor trustee and that the successor trustee has accepted the appointment; (2) the successor trustee assumes administration of the trust;

11. The Trustee shall implement orders, requests, and instructions only if they are in writing and signed by either the Grantors or the Grantors' authorized representative, with a copy to the Regional Administrator, or if they are in

writing and signed by the Regional Administrator;

12. The Trustee shall notify the Grantors and the Regional Administrator, by certified mail, within seven days following the expiration of the seven day period after each month following the establishment of the Trust, if no payment is received from the Grantors during that period;

13. The trust agreement may be amended by an instrument in writing executed by the Grantors and the Trustee, with the written approval of the Regional Administrator, or by the Trustee and the Regional Administrator if the Grantors cease to exist;

14. The Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantors, the Trustee and the Regional Administrator, or by the Trustee and the Regional Administrator if the Grantors cease to exist;

15. Wherever the trust agreement refers to the Regional Administrator, it shall also be deemed to refer to the Regional Administrator's designee or the NRC Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support or his designee.

E. Should the Corporations' total payments into the trust fund (\$1,000,000) be insufficient to fund implementation of the site characterization plan or to take necessary immediate remedial action and the trust fund be exhausted, the Regional Administrator may, at his discretion, and in writing, require the Grantors to make additional payments totalling no more than \$300,000 into the trust fund.

The Regional Administrator or the Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support, may, in writing, relax, rescind, or modify any provision of this Order upon the showing by the Corporations, in writing, of good cause. This authority includes, but is not limited to, the authority to extend deadlines and to permit the establishment of separate trust funds with good cause shown, so long as the Corporations otherwise satisfy the requirements of this Order.

VI

The Corporations or any person adversely affected by this Order may request a hearing within 20 days of the date of its issuance. Any answer to this Order or request for a hearing shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Assistant General Counsel for Hearings and Enforcement, Office of

the General Counsel, at the same address, and to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406. If a hearing is requested by the Corporations, the Commission will issue an Order designating the time and place of hearing. If a hearing is held, the issue to be considered at the hearing shall be whether this Order should be sustained. If a person other than the Corporations requests a hearing, that person shall set forth with particularity the manner in which the petitioner's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). An answer to this Order or Request For Hearing shall not stay the immediate effectiveness of this Order. Upon the failure of the Corporations herein named to answer or request a hearing within the time specified, this Order shall be final without further proceedings.

Dated at Rockville, Maryland this 21st day of August 1989.

For the Nuclear Regulatory Commission

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 89-20499 Filed 8-30-89; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for Office of Management and Budget Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

- (1) *Collection title:* Application for Employee Annuity Under the Railroad Retirement Act
- (2) *Form(s) submitted:* AA-1, AA-1d and G-204
- (3) *OMB Number:* 3220-0002
- (4) *Expiration date of current OMB clearance:* 04/30/90
- (5) *Type of request:* Revision of a currently approved collection
- (6) *Frequency of response:* On occasion
- (7) *Respondents:* Individuals or households
- (8) *Estimated annual number of respondents:* 16,700
- (9) *Total annual responses:* 22,325

- (10) *Average time per response*: .4837 hours
- (11) *Total annual reporting hours*: 10,799
- (12) *Collection description*: The RRA provides for payment of age, disability and supplemental annuities to qualified employees. The application and related forms obtain information about the applicant's family, work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and amount of annuity applied for.
- (1) *Collection title*: Application for Spouse Annuity Under the Railroad Retirement Act
- (2) *Form(s) submitted*: AA-3
- (3) *OMB Number*: 3220-0042
- (4) *Expiration date of current OMB clearance*: 04/30/90
- (5) *Type of request*: Revision of a currently approved collection
- (6) *Frequency of response*: On occasion
- (7) *Respondents*: Individuals or households
- (8) *Estimated annual number of respondents*: 19,500
- (9) *Total annual responses*: 19,500
- (10) *Average time per response*: .4351 hours
- (11) *Total annual reporting hours*: 8,484
- (12) *Collection description*: The RRA provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application will obtain information supporting the claim for benefits based on being a spouse of an annuitant. The information will be used for determining entitlement to and amount of annuity applied for.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents may be obtained from Ronald J. Hodapp, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Justin Kopca (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Ronald J. Hodapp,
Director of Information Resources Management.

[FR Doc. 89-20527 Filed 8-30-89; 8:45 am]

BILLING CODE 7505-01-M

SECURITIES AND EXCHANGE COMMISSION

[34-27174; File No. SR-ICC-89-02]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Intermarket Clearing Corporation Relating to Delivery and Settlement of Treasury Bond Futures Contracts

August 24, 1989.

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), notice is hereby given that on August 15, 1989, The Intermarket Clearing Corporation ("ICC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change is intended to facilitate the delivery and settlement of Treasury Bond Futures Contracts for which the New York Futures Exchange ("NYFE" or "Exchange") is the designated contract market. These contracts will be eligible for cross-margining.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to facilitate the delivery and settlement of on-the-run Treasury Bond Futures contracts for which the New York Futures Exchange ("NYFE" or "Exchange") is the designated contract market. Identical rules were submitted to the Commodity Futures Trading Commission ("CFTC"). The CFTC has approved ICC's rule changes in

accordance with Regulation 1.41b of the Commodity Exchange Act.¹ Although this rule change relates primarily to ICC's futures clearing activities, this rule change is being submitted pursuant to section 19(b)(2) in that it is a product which ICC intends to make eligible for cross-margining.

Because the provisions of Chapter XIII are based in numerous respects upon other ICC rules that already have been reviewed and approved by the Securities and Exchange Commission, the discussion below focuses principally upon those aspects of the rules in Chapter XIII that differ significantly from other Rules of ICC.

Rule 1301 provides generally that the Rules in Chapter XIII are applicable to NYFE Treasury bond futures and that, except to the extent that specific rules in Chapter XIII shall govern, the provisions of all other Rules of ICC continue to apply. Rule 1302 sets forth certain definitions for purposes of Chapter XIII. The definition of the term "notice day," contained in Rule 1301(c), reflects the special provision for deliveries on the last day of the delivery month. As discussed in greater detail in connection with Rule 1307, any open short positions for which a delivery notice has not already been tendered must at that point be settled by delivery on the last business day of the delivery month. A delivery notice is superfluous in such circumstances and ICC will instead require deliveries to be made in accordance with the reports of positions it has already received from its Clearing Members. Rule 1305(a) accordingly provides that ICC will not accept notices calling for delivery on the last business day of the delivery month. For ease of reference, however, the Rules in Chapter XIII continue to employ the generally accepted terminology of "last notice day" to denote the date on which notices would otherwise be required to be submitted in respect of all remaining open positions and Rule 1301(c) so provides. The remaining defined terms are self-explanatory and conform to the substance of the proposed NYFE rules.

The proposed NYFE contract will trade on a quarterly cycle, with delivery taking place during the contract month on any business day during that month. In general, Clearing Members who intend to deliver on that contract must issue a notice of their intention to deliver two business days before the

¹ See, letter from John C. Lawton, Associate Director, Division of Trading Markets, Commodity Futures Trading Commission to James C. Young, Assistant Secretary of the Intermarket Clearing Corporation, dated April 6, 1989 and attached to SR-ICC-89-02 as "Exhibit A."

intended delivery date. (As noted above, an exception has been made for deliveries that are to be made on the last business day of the delivery month.) ICC will assign ("allocate") delivery notices on an oldest-open-long basis except on the last delivery day when ICC will net the long and short positions in the accounts of Clearing Members. Rules 1303-1310 implement these provisions.

Because deliveries will be allocated by ICC to the oldest open long and because there will be no netting of deliveries until the last business day of the delivery month, ICC will require all Clearing Members to report to ICC their total (gross) open long position in each account maintained by that Clearing Member with ICC. Under Rule 1303, these reports will be required to be submitted three business days before the first notice day through and including the last notice day of the delivery month. Because the timely submission of accurate reports is essential to the processing of delivery notices and assignments, Rule 1303 further provides that a Clearing Member will be subject to discipline if it fails timely to submit the required reports or if those reports are found to be substantially inaccurate.

Rule 1304 provides that the delivery date for Treasury bond futures will be the second business day after a selling Clearing Member (as defined in Rule 101(g)) has tendered a delivery notice to ICC in accordance with the provisions of Rule 1305. Taken together, Rules 1304 and 1305 implement proposed Exchange Rule 831 and provide that a selling Clearing Member may tender such a notice on any notice day other than the last notice day of the delivery month. Rule 1304(b) provides that ICC may advance or postpone any delivery date for Treasury bond futures contracts whenever such action is deemed by ICC to be necessary or desirable to meet unusual conditions. Similar provisions are contained elsewhere in ICC rules. See, e.g., Rule 1203(b) (foreign currency futures).

As noted above, Rule 1305 provides that a selling Clearing Member that intends to make delivery must tender a delivery notice to ICC two business days before the intended delivery date. That Rule further provides that notices that are not timely received will not be accepted by ICC and any notice tendered after that time will be null and void and of no force or effect unless validly tendered on a subsequent business day. Rule 1305(b) provides generally that a selling Clearing Member must issue a delivery notice for each of

its accounts for which it intends to make delivery on the date specified in the notice. That Rule additionally specifies that a Clearing Member is not permitted to net deliveries in or between accounts of the Clearing Member except as provided in Rule 1307(g), which governs deliveries on the last business day of the delivery month.

Rule 1306 states the general obligation of a Clearing Member to cause all positions that remain open after the close of trading in a delivery month to be settled by: (i) Making or taking delivery or (ii) entering into an exchange of Treasury bond futures for Treasury bonds or comparable instruments in accordance with the rules of the Exchange ("an exchange for physicals" or "EFP"). ICC Rule 1306 corresponds to proposed NYFE Rule 830 and provides that notice of any exchange for physicals consummated after the close of trading must be received by ICC no later than 1:00 p.m. Chicago time (2:00 p.m. New York time) on the second business day after the last trading day in the delivery month.²

Rule 1307(a) sets for ICC's procedures for the assignment of delivery notices during the delivery month. As noted above, ICC will allocate delivery notices to Clearing Members on an oldest-open-long basis. Rule 1307 provides, however, that positions that are offset on the business day on which a delivery notice is received by ICC will not be subject to allocation as long as the offset of that position is reflected in the reports made by a Clearing Member to ICC in accordance with Rule 1303. Rule 1307(a) further provides that where the number of contracts to be delivered pursuant to the terms of delivery notices received by ICC on any business day is less than the number of open long positions established on a particular date, ICC will allocate those delivery notices on a pro rata basis to all Clearing Members having long positions established on that date. An Interpretation and Policy following Rule 1307 provides that where the converse situation is applicable (i.e., the number of contracts to be allocated equals or exceeds the number of "oldest open longs"), ICC will endeavor to match delivering and receiving Clearing

Members so as to minimize the number of deliveries.

These procedures are unnecessary and inappropriate on the last delivery day because a Clearing Member that has long or short positions remaining open on that day will be required to settle those positions by making or taking delivery, as the case may be. As discussed above in connection with the definition of "notice day," ICC will not accept delivery notices on the last notice day. ICC will instead net deliveries in the accounts of Clearing Members and assign the obligation to make or take delivery on any remaining positions on the basis of the position reports submitted to ICC by its Clearing Members.

Specifically, Rule 1307(b) provides that ICC will determine at or before 7:00 a.m. Chicago time (8:00 a.m. New York time) the number of long and short Treasury bond futures contracts remaining open in each account of a Clearing Member: (i) For which a delivery notice has not been submitted by that Clearing Member to ICC (in respect of a short position) or (ii) as to which ICC has not already allocated a delivery notice received from a Clearing Member (in respect of a long position).³ Having determined the remaining open and unallocated gross position in each account of its Clearing Members, ICC will net the settlement obligations of each Clearing Member in the firm account (and any non-customer account) of that Clearing Member and separately, in the customer accounts of the Clearing Member. Unlike other contracts cleared by ICC, such as the foreign currency contracts traded on the Philadelphia Board of Trade, ICC does not presently contemplate that it will net positions between the firm account of a Clearing Member and its customer accounts.⁴

² Because there is a two-day interval between the tender of a delivery notice to ICC and the obligation to make and take delivery on the contracts represented by that notice, there may be open positions in the account of a Clearing Member on the last notice day for which delivery notices have already been tendered to ICC or allocated by ICC to a Clearing Member. Any such contracts would be settled in the usual manner without regard to the last-day netting provisions of Rule 1307(b).

⁴ ICC Rule 402 authorizes a Clearing Member to establish and maintain with ICC different types of accounts, including a "firm account," a "public customers' account," and various accounts for floor traders and others who, depending on their relationship to the Clearing Member, may appropriately be contained in a "proprietary trader's account," a "customer floor trader's account," a "combined floor traders' account," or an "off-floor trader's account." Rule 1307(b) provides that the firm (house) account of the Clearing Member is to be netted against any positions remaining open in any non-customer accounts of the

³ Proposed NYFE Rule 830 provides that there is to be no trading in Treasury bond futures during the last seven business days of a delivery month and further provides that any EFP conducted after the close of trading must be submitted to ICC by no later than the fifth business day prior to the last business day of the delivery month. Thus, the time limit established by that Rule for the submission of EFP transactions—the fifth business day prior to the last business day of the delivery month—is equivalent to the second business day after the last trading day set forth in ICC Rule 1306.

Thus, any net long or short positions remaining open in either of those types of accounts will be settled by delivery in the same manner as any other position.

Rule 1307(c) describes the reports issued by ICC to facilitate the delivery process. Where deliveries are being made in the usual manner, ICC will issue to each Clearing Member a report, identifying for each Clearing Member: (i) The identity of the opposite Clearing Member with whom settlement is to be made; (ii) the accounts of the Clearing Member for which delivery is to be made or taken; (iii) the delivery date; (iv) the number of contracts for which delivery is being made; and (v) the settlement price of Treasury bond futures on the date the delivery notice was tendered to ICC or, in the case of deliveries remaining to be made on the last delivery day after the netting process required by Rule 1307(b) has been completed, the date on which a delivery notice was allocated in accordance with that Rule. Where, however, the positions of a Clearing Member have been netted in accordance with rule 1307(b)(2) or (b)(3), a report specifying the terms on which settlement by delivery is to be made is inappropriate. A provision to Rule 1307(c) therefore provides that ICC will in such a case issue a report reflecting the netting that has already been conducted in the accounts of the Clearing Member.

Rule 1308(a) provides that where a Clearing Member's settlement obligations have been netted as described above, those obligations will be deemed to be discharged on the last delivery day. This is similar to the treatment of netted foreign currency deliveries, which pursuant to the terms of Rule 1206, are deemed to be fully discharged at the time those contracts would otherwise have been settled by delivery. Rule 1308 also affords similar treatment to those situations in which a delivery notice tendered by a Clearing Member to ICC is allocated to that same Clearing Member because the Clearing Member is among the "oldest open longs."

Rule 1308(b) implements proposed NYFE Rule 830(f) and sets forth the information which must be included in the delivery instructions issued by a Clearing Member. These instructions,

Clearing Member, such as a proprietary floor trader's account. That Rule further specifies that the public customers' account is to be netted against all other accounts of the Clearing Member (i.e., any customer floor trader, combined floor trader, or off-floor trader accounts).

which must be issued by the Clearing Member prior to 2:00 p.m. Chicago time (3:00 p.m. New York time) on the business day on which open short positions have been allocated by ICC to the receiving Clearing Members (i.e., the day after the delivery notice was tendered to ICC), must include a description of the Treasury bonds that are to be delivered, an invoice for the delivery amount for each contract, the delivery date, the delivering Clearing Member's correspondent bank and account number at that bank, and such other information as ICC deems necessary. Rule 1308(c), in turn, requires the receiving Clearing Member to provide to the delivering Clearing Member by 3:00 p.m. Chicago time (4:00 p.m. New York time) on the same business day a Banking Notification containing the information necessary to complete delivery.

Rule 1308(d) corresponds to proposed NYFE Rule 830(j) and provides, in essence, that the delivering Clearing Member must have Treasury bonds in place at a correspondent bank (as defined in rule 1309) by no later than 10:00 a.m. Chicago time (11:00 a.m. New York time) on the delivery date. Delivery is to be made by book entry against payment of the delivery amount in Federal funds in accordance with the applicable procedures of the Department of the Treasury. Except as otherwise provided in paragraphs (f) and (g) of Rule 1308 (relating to banking holidays and failures of the "Fedwire" system), all deliveries must be completed by 1:00 p.m. Chicago time (2:00 p.m. New York time) on the delivery date.

Rule 1310 corresponds to the provisions of proposed NYFE Rules 822(c) and 830(g) and provides that the amount to be paid in settlement of a Treasury bond futures contracts is equal to the settlement price on the date: (i) The delivery notice has been tendered to ICC in accordance with Rule 1305 or (ii) on which outstanding delivery obligations are netted or allocated in accordance with Rule 1307(b) (in effect, the last notice day) multiplied by the price at which the Treasury bond with the same time to maturity or call and the same coupon rate as the issue to be delivered will yield 8%, as determined in accordance with bond tables disseminated by the Exchange. Under Rule 1310, interest accrues only through and including the delivery date so as to remove any incentive for a short Clearing Member to fail to make delivery.

Rules 1311-1313 relate to a Clearing

Member's failure to make or take delivery and are similar to the provisions of existing ICC Rules 1209-1211. The principal difference is contained in ICC Rule 1311 which provides that in the event of the failure of a Clearing Member to deliver Treasury bonds, the receiving Clearing Member may wait up to 20 days before issuing a notice of its intention to buy in the undelivered Treasury bonds. These provisions parallel the rules of the Public Securities Association for failed deliveries of Treasury securities instruments in the cash market and also correspond closely to Rule 1409 of The Options Clearing Corporation ("OCC") relating to the failure to deliver on Treasury securities options issued and cleared by OCC.

As required by Commission Regulation 190.05(b), ICC Rule 1314 permits customers to make or take delivery in the event that the Clearing Member carrying their account has been adjudicated bankrupt or has filed a voluntary petition for bankruptcy at the time that any of the events specified in that Regulation have transpired. Rule 1314 is substantially similar to existing ICC Rule 1213 but makes allowance for the possibility that a delivery notice may have been tendered by a delivering Clearing Member or allocated to a receiving Clearing Member before the date of the entry of the order for relief.⁵ A proviso makes clear that a customer electing to proceed under the provisions of this Rule must provide written notice of that election prior to the time that its Clearing Member would have been required to provide any notice or perform any act required by the ICC Rules governing such deliveries. The purpose of this provision is to ensure that non-defaulting Clearing Members who are receiving delivery from or making delivery to the customers of the bankrupt Clearing Member are not disadvantaged or exposed to financial loss by the failure of a customer to provide timely notice of its intentions in this regard. This provision also has the effect of making it impossible for a customer to take advantage of the

⁵ These latter provisions are unnecessary in respect of foreign currency futures contracts because deliveries on those contracts are made only where positions have not been liquidated by the close of trading in the contract. Unlike the Treasury bond futures contract, delivery notices cannot be issued or allocated in currency futures prior to the last trading day and no provision corresponding to Regulation 190.05(b)(1)(iii) of the Commodity Exchange Act is necessary in that context.

fortuity of its Clearing Member's bankruptcy to extend any of the deadlines that would otherwise have been applicable to that customer absent the intervening bankruptcy.

Interpretations and Policies .01 to Rule 1308 clarifies the responsibilities of the parties in their efforts to comply with Regulation 1.42 of the Commodity Exchange Act. Regulation 1.42 directs the contract market to furnish, or cause to be furnished, certain information and delivery advices to the Commodity Futures Trading Commission ("CFTC") upon a special call from the CFTC or its designee. In practice, the information that is required by the CFTC in furtherance of its market surveillance program, which includes the quantity, maturity and yield of the instrument being delivered, is not contained in the program delivery notices issued by ICC. Instead, the information is included in delivery instructions issued by a short Clearing Member to a long Clearing Member that previously had been assigned a delivery notice by ICC. Since these instructions are handled solely by the delivering and the assigned Clearing Member, ICC would have no knowledge of the contents of those instructions absent a failure to deliver or receive by either Clearing Member. Interpretation and Policy .01 clarifies that it is the Clearing Member's obligation to provide this information once the CFTC issues a special call for that information.

This provision also has the effect of making it impossible for a customer to take advantage of the fortuity of its Clearing Member's bankruptcy to extend any of the deadlines that would otherwise have been applicable to that customer absent the intervening bankruptcy.

The proposed rule change is consistent with the purposes and requirements of section 17A of the Securities Exchange Act of 1934, as amended because it expands the products which would be eligible for cross-margining. Cross-margining of these positions would enhance the safety of the clearing system while providing lower clearing margin costs to ICC's Clearing Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

ICC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the

Proposed Rule Change Received From Members, Participants or Others

Comments were not and are not intended to be solicited with the proposed rule change and none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number SR-ICC-89-02 and should be submitted by September 21, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 89-20469 Filed 8-30-89; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-27177; File No. SR-NASD-89-24]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the Definition of Direct Participation Programs in Schedule C to the By-Laws

The National Association of Securities Dealers, Inc. ("NASD") submitted on May 17, 1989, a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to exclude from the definition of "direct participation programs" in part II, section 2(d)(ii) of Schedule C to the NASD By-Laws those programs that are quoted on the NASDAQ System or listed on a registered national securities exchange or for which an application for quotation or listing has been made.

Notice of the proposed rule change together with its terms of substance was given by the issuance of a Commission release (Securities Exchange Act Release No. 27036, July 24, 1989) and by publication in the **Federal Register** (54 FR 30494, July 20, 1989). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: August 24, 1989.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 89-20470 Filed 8-30-89; 8:45 am]
BILLING CODE 8010-01-M

[Rel No. IC-17119; 812-7288]

Keystone America Equity Income Fund, et al.; Application To Amend a Prior Order

August 24, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Keystone America Money Market Fund, Keystone America Tax Free Money Market Fund (together, "Money Market Funds"), Keystone America Equity Income Fund, Keystone America Fund of Growth Stocks, Keystone America Global Opportunities Fund, Keystone America Government Securities Fund ("KA Government"), Keystone America High Yield Bond Fund ("KA High Yield"), Keystone America Investment Grade Bond Fund, Keystone America Tax Free Income Fund (collectively, "Load Funds"), Keystone America Global Income Fund (formerly, International Heritage Fund) ("Global") and Keystone America Omega Fund, Inc. (formerly, Omega Fund, Inc.) ("Omega") (all of the above, "Keystone America Funds") and Keystone Distributors, Inc. ("KDI") (collectively, "Applicants"), on behalf of themselves and other registered open-end companies which may in the future become members of the Keystone America "group of investment companies," as defined in Investment Company Act Release No. 16504 (July 20, 1988) (together with the Keystone America Funds, "Keystone America Fund Group").

RELEVANT 1940 ACT SECTIONS: Amended exemptive order requested should be accompanied by proof of service on the Applicants in the form of affidavits or, for lawyers, certificates of service. Requests for notification of a hearing may be made by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, Washington, DC 20549. Applicants, c/o Alan C. Porter, Esq., Sullivan & Worcester, 1025 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Cathery Baker (202) 272-3033 or Branch Chief Karen L. Skidmore (202) 272-3023 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee. One may obtain a copy by going to the SEC's Public Reference Branch or by telephoning the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. The Keystone America Funds are open-end management investment companies registered under the 1940 Act. Each is a Massachusetts business trust, with the exception of Omega, a Massachusetts corporation. Keystone Custodian Funds, Inc. ("Keystone") is investment adviser and manager of the Keystone America Funds and KDI, a

wholly-owned subsidiary of Keystone, is principal underwriter.

2. Shares of the Money Market Funds are sold at their net asset value without an initial or deferred sales load, except that a CDSL may be assessed upon redemption of Money Market shares acquired by means of an exchange from a Load Fund to the extent under section 6(c) exempting the Applicants from sections 2(a)(32), 2(a)(35), 22(c), 22(d) of the 1940 Act and Rule 22c-1.

SUMMARY OF APPLICATION: Applicants seek an order amending the order issued in Investment Company Act Release No. 15684 (April 15, 1987) ("Prior Order"). The amended order would permit Global, Omega and future members of the Keystone America Fund Group, in accordance with the terms and conditions of the Prior Order and consistent with proposed Rule 6c-10, to waive an initial sales load on sales of certain shares, to assess a contingent deferred sales charge ("CDSL") on redemptions of certain shares, and to waive or credit amounts against the CDSL in certain instances. In addition, the amended order would provide exemptive relief permitting the Applicants (ii) to waive the initial sales load and the CDSL with respect to shares of Omega purchased after April 19, 1989 by shareholders of Omega of record as of May 1, 1987, and (iii) to waive the CDSL on redemptions of shares of Global and Omega outstanding on April 19, 1989.

FILING DATE: The application was filed on April 7, 1989, and amended on June 23, 1989 and July 21, 1989.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing the SEC's Secretary and serving the Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 18, 1989, and should state the nature of the requester's interest, the reason for the request, and the issues contested. Hearing requests also that the exchanged shares would have been subject to a CDSL at the time of redemption. The exchange privilege under the Prior Order is discussed below. Shares of each Load Fund are offered for sale at their net asset value plus a 2% initial sales load (2.04% of the net amount invested). The initial sales load is paid to KDI, which, in turn, normally pays the selling broker or dealer 4% of the offering price (4.08% of the net amount invested). Shares may also be purchased directly from KDI. In this event, KDI receives and retains the

2% initial sales load paid by the investor, but no payments are made to KDI with respect to such shares under the Distribution Plan described in item 3 below. The 2% initial sales load is waived on certain share sales, as described further below.

3. Each Load Fund has adopted a plan of distribution in accordance with Rule 12b-1 under the 1940 Act ("Distribution Plan") which provides that amounts may be expended daily at an annual rate of 0.75% of average daily net asset value to finance any activity which is principally intended to result in the sale of shares. Amounts paid to KDI under the Distribution Plan are used to pay others, such as brokers or dealers, a commission and/or (ii) maintenance fees.

4. The Prior Order permits the Applicants (other than Global, Omega and future members of the Keystone America Fund Group, as defined in this application) to waive an initial sales load on sales of certain shares, to assess a CDSL on certain redemptions of shares within four calendar years after their purchase, and to waive or credit amounts against the CDSL in certain instances. If imposed, the CDSL is 2% of the lesser of (i) the net asset value of the shares redeemed, or (ii) the net cost of such shares. Such amount is deducted from the redemption proceeds otherwise payable to the shareholder and is retained by KDI. In determining whether a CDSL is payable, shares not subject to the CDSL, as described in the following sentence, are redeemed first; thereafter, it is assumed that shares held the longest are the first to be redeemed. No CDSL is assessed when the shareholder redeems (i) shares representing amounts attributable to increases in the value of an account above the net cost of the investment due to increases in net asset value per share, (ii) certain shares with respect to which a commission is not paid upon issuance, including shares acquired by reinvestment of dividends and distributions, or (iii) shares held during more than four consecutive calendar years. In no event does any combination of the initial sales charge and the CDSL exceed applicable limitations imposed by the Rules of Fair Practice of the National Association of Securities Dealers, Inc. ("NASD Rules"). Assets represented by redeemed shares are removed from the asset base on which the percentage charge paid under the Distribution Plan will be calculated.

5. Both the initial sales charge and the CDSL are waived with respect to shares sold to certain affiliated purchasers, employee benefit plans and banks which are eligible under the terms of the

Prior Order. In addition, the CDSL is waived on the redemption of shares (i) following the death or disability of a shareholder, (ii) a lump-sum distribution from a benefit plan qualified under the Employment Retirement Income Security Act of 1974 ("ERISA"), (iii) systematic withdrawals from ERISA plans if the shareholder is at least 59½ years old, (iv) involuntary redemptions of accounts having an aggregate net asset value of less than \$1,000, or (v) systematic withdrawals under a systematic withdrawal plan of up to 1½% per month or 4½% per quarter of the shareholder's net investment. The Prior Order also permits a one-time only reinvestment privilege under which a shareholder may elect to make a reinvestment purchase with any part of the proceeds of a total or partial redemption of shares. The dollar amount of the deferred sales load previously deducted is credited and the initial sales load on the subsequent purchase is waived. The calendar year of the purchase of shares acquired by reinvestment, for purposes of any future deferred sales load, is deemed to be the year the redeemed shares were originally purchased. Such an election must be made within 30 days of the date of redemption and the shares purchased must be those of the fund whose shares were redeemed.

6. The Prior Order also permits the implementation of an exchange privilege pursuant to which shareholders of a Keystone America Fund may exchange their shares for shares of another Keystone America Fund on the basis of their respective net asset values without an initial sales load or CDSL. However, if the shares tendered for exchange have been held for fewer than four years and are still subject to a CDSL, the CDSL carries over to the shares acquired in the exchange transaction, and the calendar year of purchase for the acquired shares, for purposes of any future CDSL, is deemed to be the year the exchanged shares were originally purchased. A \$5 charge is imposed for each exchange transaction.

7. Prior to April 19, 1989, Global and Omega were managed by International Heritage Corp. ("IH Corp.") and distributed by International Heritage Securities, Inc. ("IH Securities"). Keystone and IH Corp. entered into a Purchase and Sale Agreement dated December 16, 1988, under which IH Corp. agreed to sell to Keystone all of its assets relating to the business of providing investment management services to Global and Omega, subject to certain conditions, including shareholder approval of the proposals.

Pursuant to such approvals, two portfolios of Global were merged, respectively, into KA Government and KA High Yield, and the names of Omega and Global, respectively, were changed to Keystone America Omega Fund, Inc. and Keystone America Global Income Fund. The reorganizations of the Global portfolios were completed on April 6, 1989. The distribution arrangements of KA Government and KA High Yield are being conducted in accordance with the terms and conditions of the Prior Order.

9. On April 19, 1989, Global and Omega became members of the Keystone America Funds and KDI replaced IH Securities as principal underwriter of Global and Omega. In addition, Global and Omega each adopted a plan of distribution in accordance with Rule 12b-1 under the 1940 Act identical in all material respects to the Distribution Plan of the Load Funds described in item 3 above.

10. The Applicants propose that Global, Omega and future members of the Keystone America Fund Group be permitted to waive the initial sales charge on sales of certain shares, to impose a CDSL on redemptions of certain shares, and to waive or credit amounts against the CDSL in certain circumstances, all in the same manner as the other Keystone America Funds under the Prior Order. In addition, the Applicants propose to waive the CDSL on redemptions of shares of Global and Omega outstanding on April 19, 1989. The Applicants also propose to waive the initial sales load and the CDSL with respect to Omega shares purchased after April 19, 1989 by shareholders of Omega of record as of May 1, 1987. Such persons became Omega shareholders when shares of Omega were distributed on a no-load basis. These shareholders have been given the right, which KDI has agreed to maintain, to reinvest in Omega shares without being subject to an initial sales load and to redeem shares of Omega without imposition of a deferred sales load. Shares of Global and Omega purchased after April 19, 1989 by shareholders of Global and by shareholders of Omega who became shareholders of record after May 1, 1987 will be subject to the 2% initial sales load and the CDSL. The Applicants will meet all the conditions of Rule 22d-1 in connection with any waivers of the initial sales load, as well as in connection with waivers of or credits against the CDSL. In each case, all waivers will be applied uniformly in a manner consistent with the provisions of Rule 22d-1.

11. The Applicants will offer the exchange privilege permitted by the

Prior Order to shareholders of Global and Omega on the same basis. In implementing the exchange privilege with respect to Global and Omega, the Applicants will rely upon Rule 11a-3, as adopted by the Commission in Investment Company Act Release No. 17087 (August 3, 1989).

Applicants' Legal Analysis and Conclusions

1. The Prior Order was sought on behalf of the then existing Keystone America Funds and such other Keystone America funds as might be organized in the future. The Prior Order is not applicable to Global and Omega because they were organized prior to its issuance and were not members of the Keystone America Fund Group at that time. The Applicants submit that the requested order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. The Applicants acknowledge that they bear the burden of ensuring that the administration of the sales load, the CDSL and the exchange offer comply with the conditions set forth below. The Applicants further acknowledge that the granting of the requested order will not imply Commission approval, authorization or acquiescence in any particular level of payments that may be made pursuant to the Distribution Plan adopted by any member of the Keystone America Fund Group. The Boards of Trustees or Directors of the Keystone America Funds in their respective periodic 12b-1 reviews will consider, among other things, the revenues received by KDI as a result of imposition of the CDSL. The Boards of Trustees or Directors will also consider whether shareholders have paid, or are reasonably likely to pay, directly or indirectly, more for sales or promotional services or activities than the maximum sales charge that could have been imposed on shares of the Keystone America Funds at the time of purchase under the NASD Rules.

Applicants' Conditions

The Applicants agree that the following may be made conditions to the proposed relief:

1. The Applicants will comply with the provisions of Rule 11a-3, Investment Company Act Release No. 17087 (August 3, 1989), as adopted and as it may be modified in the future.

2. The Applicants will comply with Rule 12b-1, as adopted and as it may be modified in the future.

3. The Applicants will comply with the provisions of proposed rule 6c-10, Investment Company Act Release No. 16169 (November 2, 1988), 53 FR 45275 (November 9, 1988), as such rule is currently proposed and as it may be further revised and/or adopted.

For the Commission, by the Division of Investment Management, under delegated authority,

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 89-20542 Filed 8-30-89; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region IV Advisory Council; Public Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Louisville, will hold a public meeting from 10:00 a.m. to 3:00 p.m., Wednesday, September 27, 1989, at the Executive Inn West, Drinkwater Room, Louisville, Kentucky, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call William Federhofer, District Director, U.S. Small Business Administration, Louisville District Office, P.O. Box 3527, Louisville, Kentucky 40201, phone (502) 582-5971.

Dated: August 24, 1989.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 89-20475 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of St. Louis, will hold a public meeting at 9:00 a.m. on Wednesday, October 25, 1989, at the St. Louis District Office of the U.S. Small Business Administration, The Old Post Office, 815 Olive Street, Room 242, St. Louis, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Robert L. Andrews, District Director, U.S. Small Business Administration, 815 Olive Street, Room 242, St. Louis, Missouri, 63101, phone (314) 539-6600.

Dated: August 24, 1989.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 89-20476 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

Temporary Disqualification of Certain Newly Legalized Aliens from Receiving Financial Assistance

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: On July 12, 1989, the Immigration and Naturalization Service published final regulations (INS rule) in the *Federal Register* (54 FR 29434) to implement the Immigration Reform and Control Act of 1986, Public Law 99-603, 100 Stat. 3359. With certain exceptions, such INS rule prescribes that newly legalized aliens are temporarily disqualified from receiving financial assistance under various Government programs. By this Notice, the Small Business Administration is implementing the INS rule.

EFFECTIVE DATE: October 2, 1989.

ADDRESS: Comments may be sent to Harry D. Kempler, Chief Counsel for Business Loans, Office of General Counsel, Small Business Administration, 1414 L Street, NW., Washington, DC 20416. Telephone (202) 653-6757.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to section 245A(h) of the Immigration and Nationality Act ("Act"), as amended by section 201 of the Immigration Reform and Control Act of 1986, Public Law 99-603 ("IRCA"), aliens granted lawful temporary resident status pursuant to section 245A(a) ("legalization") are not eligible for a period of five years after such grant to receive a direct or guaranteed loan ("financial assistance") from the Small Business Administration (SBA) under section 7(a) of the Small Business Act. To reflect the IRCA provisions, the Immigration and Naturalization Service amended its regulations (8 CFR Part 245a) which were published in the *Federal Register* on July 12, 1989 (54 FR 29434).

Such temporary disqualification (for five years after being granted legalization) does not apply under IRCA to a Cuban or Haitian entrant as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, 94 Stat. 1799, or to an alien who is an aged, blind or disabled person as defined in section 1614(a)(1) of the Social Security Act (42 USC 1382c).

A Cuban or Haitian entrant means any individual granted parole status as

a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided. The term also includes any other national of Cuba or Haiti who (1) was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or (2) is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or (3) has an application for asylum pending with the the Immigration and Naturalization Service.

Generally, the definition of an aged, blind or disabled person in section 1614(a)(1) of the Social Security Act is equivalent to the criteria of the SBA in determining eligibility for handicapped assistance.

SBA has developed a form of self-certification (SBA Form 1261A) which each applicant for a loan under section 7(a) of the Small Business Act will be required to fill out at the time of application in order to assist SBA to determine whether the applicant is temporarily disqualified for SBA financial assistance under section 7(a) of the Small Business Act because of legalization. This form will be included in SBA's normal application eligibility review process.

Dated: August 16, 1989.

Susan Engeleiter,

Administrator.

[FR Doc. 89-20477 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 09/09-0386]

First Commerce & Loan Limited Partnership; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given for the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1989)), by First Commerce & Loan Limited Partnership, (the Applicant), 2806 N. Camino Principal, Tucson, Arizona 85715 for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661, *et seq.*) and the Rules and Regulations.

The general partners, its officers and directors of the Applicant are as follows:

Name	Title
First Commerce and Loan, Inc., 2806 North Camino Principal, Tucson, AZ 85715.	Corporate General Partner.
Ross M. Horwitz, 2806 North Camino Principal, Tucson, AZ 85715.	Individual General Partner, SBA General Manager, President, Director, and sole stockholder of the Corporate General Partner.
Allen A. Abrahamson, 816 East Avenue, Bayhead, NJ 08742.	Director, Vice President of Finance.
Jeffrey W. Goldstein, 355 E. River Road, Tucson, AZ 85718.	Vice President of Marketing.
Stella Koliopoulos, 6001 E. Pima, #255, Tucson, AZ 85712.	Secretary-Treasurer.
Joe Acosta, 4869 E. Lafayette Blvd., Phoenix, AZ 85015.	Director.
John T. Emery, 110 Elsa Drive, Fullerton, CA 92635.	Director.
Warren S. Rustand, 5750 Santa Fe, Tucson, AZ 85715.	Director.
George W. Taylor, 1661 W. Hazelwood St., Phoenix, AZ 85015.	Director.
James V. Walther, 2217 S. Clayton, Denver, CO 80210.	Director.

There are 12 limited partners each owning less than ten percent of the total partnership interests.

The Applicant, a limited partnership organized under the provisions of the State of Arizona Limited Partnership Act and duly qualified to do business in the State of Arizona, will begin operations with approximately \$1,005,000 of paid-in capital and paid-in surplus to be obtained through a private placement. The applicant will conduct its activities primarily in the State of Arizona, and will consider investments in businesses in other areas of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the general partners and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment,

Small Business Administration, 1441 "L" St., NW., Washington, DC. 20416

A copy of this Notice will be published in a newspaper of general circulation in the Tucson, Arizona area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 22, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-20472 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5369]

Ibero-American Investors Corp.; Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Ibero-American Investors Corporation (Ibero-American), 38 Scio Street, Rochester, New York, 14604, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.903 of the SBA Rules and Regulations (the Regulations) governing Small Business Investment Companies (13 CFR 107.903 (1988)) for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

Subject to such approval, Ibero-American proposes to provide funds to Anita's International Travel, 52-54 Jay Street, Rochester, New York, for the purpose of establishing an independent travel agency in the city of Rochester, New York.

The proposed financing is brought within the purview of § 107.903(b)(1) of the SBA Rules and Regulations because Ms. Anita Alomar Lopez is the daughter of Mrs. Daisey Alomar-Hamza, President of the Board of Directors of Ibero-American Action league, a not-for-profit social organization that owns Ibero-American Investment Corporation. Mrs. Alomar-Hamza is considered to be an associate of Ibero-American as defined by § 107.3 of the Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, DC 20416.

A copy of this notice shall be published in accordance with section 107.903(e) of the Regulations, in a

newspaper of general circulation in Rochester, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: August 21, 1989.

[FR Doc. 89-20473 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5381]

Western General Capital Corp.; Issuance of a Small Business Investment Company License

On February 14, 1989, a notice was published in the Federal Register (Vol. 54, FR6798) stating that an application has been filed by Western General Capital Corporation, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1989)) for a license as a small business investment company.

Interested parties were given until close of business May 1, 1989, a submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-5381 on August 2, 1989, to Western General Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 24, 1989.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 89-20474 Filed 8-30-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1126]

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511.

SUMMARY: To obtain a passport, a travel document attesting to one's identity and U.S. citizenship, a U.S. national must complete the passport application. The application is retained in the files of the Department of State and is consulted when a passport has been lost, in citizenship claims, as evidence in the prosecution of individuals making false statements, and to support a derivative claim to citizenship made by an applicant's children. The following summarizes the information collection proposals submitted to OMB:

1. Type of request—Extension.
Originating office—Bureau of Consular Affairs.
Title of information collection—
Application for Passport/Registration.
Form Number—DSP-11.
Frequency—On occasion.
Respondents—Applicants for U.S. Passports.
Estimated number of respondents—
4,000,000.
Average hours per response—7 minutes.
Total estimated burden hours—466,666.
2. Type of request—Extension.
Originating office—Bureau of Consular Affairs.
Title of information collection—
Application for Passport by Mail.
Form number—DSP-82.
Frequency—On occasion.
Respondents—Applicants for U.S. Passports.
Estimated number of respondents—
2,000,000.
Average hours per response—5 minutes.
Total estimated burden hours—166,666.

Section 3504(h) of Public Law 96-511 does not apply.

ADDITIONAL INFORMATION OR

COMMENTS: Copies of the proposed form and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to [OMB] John Harrigan (202) 395-7340.

Date: August 22, 1989.

Arthur W. Fort,

Assistant Secretary for Administration and Information Management.

[FR Doc. 89-20528 Filed 8-30-89; 8:45 am]

BILLING CODE 4710-06-M

[Public Notice 1127]

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under

the Paperwork Reduction Act of 1980, Public Law 96-511.

SUMMARY: Recipients of State Department publications are queried biennially to ascertain that addresses are correct and that they wish to continue receiving publications. It allows respondents to indicate the kinds of publications they prefer to receive and to prioritize their preferences. The following summarizes the information collection proposal submitted to OMB:

- Type of request—Extension.
Originating office—Bureau of Public Affairs.
Title of information collection—Mailing List Notice.
Frequency—Biennial.
Respondents—Applicants for State Department publications.
Estimated number of respondents—
3,750.
Average hours per response—7 minutes.
Total estimated burden hours—438.

Section 3504(h) of Public Law 96-511 does not apply.

ADDITIONAL INFORMATION OR
COMMENTS: Copies of the proposed form and supporting documents may be obtained from Gail J. Cook (202) 647-3538. Comments and questions should be directed to [OMB] John Harrigan (202) 395-7340.

Dated: August 22, 1989.

Arthur W. Fort,

Assistant Secretary for Administration and Information Management.

[FR Doc. 89-20529 Filed 8-30-89; 8:45 am]

BILLING CODE 4710-11-M

[Public Notice CM-8/1300]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Partially Closed Meeting

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 10 a.m., Tuesday, September 19, 1989, in Room 7835, Department of State, 22nd and C Street, NW., Washington, DC.

At this meeting, officers responsible for Antarctic affairs in the Department of State will discuss the recently adopted Convention on the Regulation of Antarctic Mineral Resource Activities. Attention will center upon issues to be addressed in legislation necessary to implement the Convention and in the separate protocol on liability called for in the Convention. There will also be consideration of preparations for the Fifteenth Antarctic Treaty Consultative Meeting which will be held

in Paris in October, 1989. Department officials will be prepared to discuss other key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussion according to the instructions of the Chairman. As access to the Department of State is controlled, persons wishing to attend the meeting should enter the Department through the Diplomatic ("C" Street) Entrance. Department officials will be at the Diplomatic Entrance to escort attendees.

The Antarctic Section of the Oceans and International Environmental and Scientific Affairs Advisory Committee will also meet on Monday, September 18, in Room 1406, Department of State, 22nd and C Street, NW. The purpose of these discussions will be to elicit views concerning the further development of United States policy regarding Antarctic resources, particularly Antarctic mineral resources. The Fifteenth Antarctic Treaty Consultative Meeting will also be discussed. The meeting will include classified briefings and examination and discussion of documents classified pursuant to Executive Order 12356. The disclosure of classified material and revelation of considerations which go into policy development would substantially undermine and frustrate the U.S. position in future meetings and negotiations. Therefore, the meeting will not be open to the public, pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b (c)(1) and 5 U.S.C. 552b (c)(9)(B).

Requests for further information on the meetings should be directed to R. Tucker Scully of OES/OA, Room 5801, Department of State. He may be reached by telephone on (202) 647-3262.

Frederick M. Bernthal,

Chairman.

[FR Doc. 89-20530 Filed 8-30-89; 8:45 am]

BILLING CODE 4710-09-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-79]

Initiation of Section 302 Investigation and Request for Public Comment: Procurement of Electronic Highway Toll Identification Systems by the Government of Norway

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302 of the Trade Act of 1974, as amended; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302 of the Trade Act of 1974, as amended ("the Trade Act") regarding the Government of Norway's government procurement practices with respect to an electronic highway toll identification system for a highway surrounding Oslo, Norway. USTR invites written comments on the matter being investigated.

DATES: This investigation was initiated on August 25, 1989. Written comments from interested persons are due October 2, 1989.

ADDRESS: Office of the United States Trade Representative, Room 223, 600 17th St., NW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Timothy Richards, Director of Information Industry Trade Policy, (202) 395-6160, Beverly Vaughan, Director, Government Procurement, (202) 395-3063, or Kenneth Freiberg, Associate General Counsel, (202) 395-7305.

SUPPLEMENTARY INFORMATION: On July 11, 1989, AMTECH Corporation, a Dallas-based manufacturer of electronic highway toll identification systems, filed a petition under section 302 of the Trade Act of 1974, as amended, regarding practices by the Government of Norway related to procurement of the electronic highway tollgate system surrounding Oslo. Specifically, Petitioner asserts that the actions of the Norwegian government, through its Ministry of Transport, in overturning a decision of the Oslo Toll Road Authority to award a contract to Petitioner and its Norwegian correspondent for the Oslo tollgate system violate Article III of the General Agreement on Tariffs and Trade (GATT), the GATT Agreement on Government Procurement (Procurement Code), and Article VIII of the U.S.-Norway Treaty of Friendship, Commerce and Navigation. AMTECH also alleges that the Norwegian Government's actions are unjustifiable, unreasonable or discriminatory and burden U.S. commerce.

After the petition was filed, according to Petitioner, the City of Oslo announced its intention to award the project to Petitioner and its Norwegian correspondent, but subsequently the Minister of Transportation withdrew authority from the Oslo Toll Road Authority for this procurement and gave that authority to a new entity. A further evaluation of bids will now be conducted on the basis of the original

invitation to tender, but the new entity has been directed to consider six new criteria for evaluating the bids. A contract award is expected on or about September 15, 1989.

Investigation: On August 25, 1989, pursuant to section 302(a) of the Trade Act, the USTR initiated an investigation of the Norwegian government's procedures and practices with respect to this proposed procurement. The Office of the USTR also requested consultations with the Government of Norway, as required by section 303(a) of the Trade Act. In preparing for such consultations, USTR will seek information and advice from the petitioner and the appropriate committees established pursuant to section 135 of the Trade Act, as provided in section 303(a)(3) of that Act.

Public Comment: Interested persons are invited to submit written comments on the issues raised in the petition. Comments must be filed in accordance with the regulations at 15 CFR 2006.8 and are due by noon on October 2, 1989. Comments must be in English and provided in twenty copies to: Chairman, Section 301 Committee, Room 223, USTR, 600 17th Street, NW., Washington, DC 20506. Comments will be placed in a file (Docket 301-79) open to public inspection pursuant to 15 CFR 2006.12 (except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15).

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 89-20487 Filed 8-30-89; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Townships of Robinson and Collier, Allegheny County, PA

AGENCY: Federal Highway Administration, Transportation.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in the Townships of Robinson and Collier, Allegheny County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: George Catselis, District Engineer, Federal Highway Administration, 228 Walnut Street, P. O. Box 1086, Harrisburg, Pennsylvania 17108-1086, Telephone (717) 782-3410, or Henry M.

Nutbrown, District Engineer, Pennsylvania Department of Transportation, Engineering District 11-0, Four Parkway Center, 875 Greentree Road, Pittsburgh, Pennsylvania 15220, Telephone (412) 937-4638, or Herbert C. Higginbotham II, Director, Department of Engineering and Construction, County of Allegheny, 501 County Office Building, Forbes Avenue and Ross Street, Pittsburgh, Pennsylvania 15219, Telephone (412) 355-5902.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation and Allegheny County, will prepare an Environmental Impact Statement on a proposal for the reconstruction for safety and capacity of the existing two lane Campbell's Run Road. The project limits extend from T.R. 60 at the T.R. 60 Interchange with T.R. 22/30 east to the intersection of Campbell's Run Road with Baldwin Road for a total length of 3.7 miles in Robinson and Collier Townships.

Functional, structural, operational, and physical deficiencies of existing Campbell's Run Road and significant land use and traffic changes—to date and proposed—dictate this action.

Project alternatives will be assessed at three levels: No-Build, Minimum-Build, and Optimum-Build. The "No-Build" alternate will address the Do-Nothing option, i.e. the maintenance of the existing two lane Campbell's Run Road, with the existing partial interchange with T.R. 22/30 (the Parkway West), to quantify existing and design year service levels and other functional, structural, operational and physical deficiencies. The "Minimum-Build" alternate(s) will address proposed work at a level necessary to meet minimum criteria to correct significant but not all deficiencies in the design year. The "Optimum-Build" alternate(s) will address proposed work at a level necessary to meet minimum to desirable criteria with limited, if any, substandard features to correct all deficiencies in the design year. No fewer than one variation of Minimum and Optimum-Build alternates will be developed.

The EIS will assess the alternatives and their environmental effects through detailed studies of socioeconomic resources, natural resources, and cultural resources, air quality, noise impacts, energy utilization, transportation, safety and utilities. The studies will be documented in Technical Basis Report(s) which will set forth methods and findings. The EIS will summarize those findings. The

assessment will include community and agency coordination.

An Early Coordination Form describing the proposed action and studies, and soliciting comments will be forwarded to appropriate Federal, State, and Local agencies. Public and Agency Scoping Meetings will be held in the project area in the autumn 1989. In addition, future public plans displays and public meetings will be held, and a Public Hearing may be held. Public notice will be given for the time and place of the meetings and hearing. The Draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA, Pennsylvania Department of Transportation, or Allegheny County at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 23, 1989.

George L. Hannon,

Assistant Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 89-20531 Filed 8-30-89; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP89-07; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Lagusa, Inc.

Keller and Heckman of Washington, DC, has petitioned on behalf of Lagusa, Inc. of Belcamp, Maryland, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.106, Federal Motor Vehicle Safety Standard (FMVSS) No. 106, *Brake Hoses*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S7.3.9 and S7.2.1 (a) of Standard No. 106 respectively require that "an air brake hose assembly shall not rupture when exposed to hydrostatic pressure of 800 psi" and that each air brake hose be labeled with the symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards. Lagusa imported approximately 100 European built motorcoaches equipped with air hoses that do not comply with the above mentioned paragraphs of Standard No. 106.

Lagusa supports its petition for inconsequential noncompliance for the following reasons:

1. Noncompliance with S7.3.9 is inconsequential as it relates to motor vehicle safety because the noncomplying air brake hoses meet, in all respects, the Deutsche Industrie Norm (DIN) standard, a state-of-the-art standard which, for many years, has provided a high level of safety in European motor vehicles.

2. The National Highway Traffic Safety Administration recognizes the Deutsche Industrie Norm as a standardization organization for purposes of certain U.S. Motor Vehicle Safety Standards, and should so recognize the DIN Standard for air brake hoses.

3. In its 13 years of manufacturing motorcoaches, there has never been an accident or a proven incident relating to failure or nonperformance of the air brake hoses on motorcoaches manufactured by Lagusa. The absence of such accidents or proven incidents is indicative of the safety of these air brake hoses.

4. The maximum air pressure regulated in the motorcoach air system is 120 psi. A situation which would create pressure of 639 psi, the lowest pressure at which any of the hoses burst, is highly unlikely. There are two safety features inherent in the system, a governor on a compressor and a safety valve. When 120 psi is reached, the air is exhausted to the outside, precluding the hose from bursting.

5. On February 26, 1974, the National Highway Traffic Safety Administration reduced the burst strength value from 900 psi to 800 psi for purposes of the burst strength test set forth at S7.3.9. In explaining the reduction, the NHTSA stated that "the burst strength value is reduced to 800 psi to accommodate nylon and thermoplastic tubing while retaining a safety performance level five times that of normal operating conditions". (emphasis added)

6. Lagusa submits that the 800 psi standard, as an across-the-board

requirement, is unreasonable and fails to take into account different vehicle sizes and their attendant different braking system requirements, that it is unrealistically high where, as in this case, there are dual backup controls.

7. Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, provides at S5.1.2.2 that air compressor service reservoirs be capable of withstanding "an internal hydrostatic pressure of five times the compressor cutout pressure or 500 psi, whichever is greater for 10 minutes." As the pressure in the system is constant, there is an inherent inconsistency in requiring the reservoir to meet a 500 psi standard and the air brake hoses to meet a 800 psi standard.

8. The universe of Lagusa's noncomplying vehicles is limited. There are only 100 vehicles in the United States to which this noncompliance relates.

9. Lagusa has taken steps to ensure that all motorcoaches currently imported into the United States fully meet the requirements of Motor Vehicle Safety Standard No. 106. In fact, all motorcoaches entering the U.S. since March 1988 have fully complied with Motor Vehicle Safety Standard No. 106.

10. If the NHTSA finds that noncompliance with S7.3.9 is inconsequential, it must also find noncompliance with the labeling requirements set forth at S7.2.1(a) is inconsequential. That standard merely requires that the hoses be labeled with the DOT symbol to indicate they conform to all applicable Motor Vehicle Safety Standards. Obviously, such labelling is and would be misleading if the hoses conformed to a standard other than the NHTSA's Motor Vehicle Safety Standard.

Interested persons are invited to submit written data, views and arguments on the petition of Lagusa, Inc. described above.

Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC., 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the Federal Register pursuant to the authority indicated below.

Comment closing date: October 2, 1989.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on: August 25, 1989.

Ralph Hitchcock,

Acting Associate Administrator for Rulemaking.

[FR Doc. 89-20535 Filed 8-30-89; 8:45 am]

BILLING CODE 4910-59-M

UNITED STATES INFORMATION AGENCY

Cultural Property Advisory Committee; Meeting

The Cultural Property Advisory Committee will conduct a meeting of the full Committee on September 13, 1989, at 9:30 a.m. e.d.t. The meeting will be by conference call and will be closed to the public. For further information contact the Cultural Property Advisory Committee staff at (202) 485-6612. The agenda for the meeting is as follows:

Wednesday, September 13

9:30 a.m. Closed to the public: Chairman will convene the meeting by telephone. There will be discussion, if necessary, of the Committee's report on its findings and recommendations with regard to Peru's request for U.S. import restrictions on certain archaeological material. The Committee will formally vote whether or not to recommend the imposition of U.S. import restrictions.

Since this meeting is concerned with the Committee's report to the Deputy Director of USIA and its recommendations regarding Peru's request, it will be closed to the public in accordance with 5 U.S.C. 552b, and 19 U.S.C. 2601 *et seq.* as amended. The meeting will be closed because it will involve information the premature disclosure of which would be likely to frustrate significantly implementation of proposed actions and policies. Disclosure of information at this time

that identifies specific cultural property is likely to frustrate the possible imposition of import restrictions on such cultural property. The Committee will vote on its recommendations as to appropriate U.S. action regarding the emergency request from Peru under the terms of the Cultural Property Implementation Act. For the foregoing reasons the closing of the meeting is authorized under 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2605(h).

Dated: August 25, 1989.

Eugene Kopp,

Deputy Director United States Information Agency.

Determination to Close the Meeting of the Cultural Property Advisory Committee September 13, 1989

Based on information provided to me by the Cultural Property Advisory Committee, I hereby determine that the meeting of the Committee on September 13 may be closed to the public.

The Committee has requested that its meeting be closed in accordance with 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2605(h).

Dated: August 25, 1989.

Eugene Kopp,

Deputy Director United States Information Agency.

[FR Doc. 89-20480 Filed 8-30-89; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Career Development Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Diamond A Room of the Radisson Suite Hotel, 315 Julia Street, New Orleans, LA, October 19 through 20, 1989, starting at 8 a.m., October 19. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Department of Veterans Affairs. The committee advises the Director, Medical Research Service, on selection and

appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigators, and Senior Medical Investigators.

The meeting will be open to the public up to the seating capacity of the room from 8 a.m. to 8:30 a.m. on October 19, 1989, to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Career Development Committee (151J), Department of Veterans Affairs Central Office, Washington, DC 20420 (202-233-2317) prior to October 10, 1989. The meeting will be closed from 8:30 a.m. to 5 p.m., on October 19, 8 a.m. to 3 p.m. on October 20, for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of Public Law 92-463 as amended, in accordance with subsection (c)(6), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from David P. Thomas, Chief, Career Development Program, Medical Research Service (151J), Department of Veterans Affairs, Washington, DC 20420 (phone 202-233-2317).

Dated: August 24, 1989.

By direction of the Secretary:

Sylvia C. Long,

Committee Management Officer.

[FR Doc. 89-20484 Filed 8-30-89; 8:45 am]

BILLING CODE 8320-01-M

Medical Research Service Merit Review Boards; Meetings

The Veterans' Administration gives notice under the Federal Advisory Committee Act, 5 U.S.C. App., of the meetings of the following Federal Advisory Committees.

Merit Review Board For	Date	Time	Location
Infectious Diseases	Sept. 14, 1989	8 a.m. to 5 p.m.	Houston. ¹
Do	Sept. 15, 1989	do	Governor's House. ²
Neurobiology	Sept. 18, 1989	do	
Do	Sept. 19, 1989	do	
Do	Sept. 20, 1989	do	
Alcoholism and Drugs Dependence	Sept. 21, 1989	do	Governor's House.
Hematology	Sept. 20, 1989	do	
Immunology	Sept. 25, 1989	do	
Do	Sept. 28, 1989	do	
Respiration	Sept. 29, 1989	do	Radisson. ³
	Oct. 1, 1989	2 p.m. to 10 p.m.	

Merit Review Board For	Date	Time	Location
Do	Oct. 2, 1989	8 a.m. to 5 p.m.	
Oncology	Oct. 2, 1989	8 a.m. to 5 p.m.	Radisson.
Do	Oct. 3, 1989	do	
Basic Sciences	Oct. 11, 1989	do	Do.
Do	Oct. 12, 1989	do	
Do	Oct. 13, 1989	do	
Surgery	Oct. 15, 1989	do	Atlanta.*
Nephrology	Oct. 16, 1989	do	Governor's House.
Do	Oct. 17, 1989	do	
Gastroenterology	Oct. 16, 1989	do	Radisson.
Do	Oct. 17, 1989	do	
Endocrinology	Oct. 19, 1989	do	Governor's House.
Do	Oct. 20, 1989	do	
Cardiovascular Studies	Oct. 23, 1989	do	Do.
Do	Oct. 24, 1989	do	
Mental Health and Behavioral Sciences	Oct. 23, 1989	do	Do.
Do	Oct. 24, 1989	do	

* Hyatt Regency Houston, in the Center of Downtown, 1200 Louisiana St., Houston, TX 77002.

* The Governor's House, Rhode Island Ave. at 17th St., NW., Washington, DC 20036.

* Radisson Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC 20005.

* Hyatt Regency Atlanta, in Peace Tree Center, 265 Peach Tree St., NE., Atlanta, GA 30303.

These meetings will be for the purpose of evaluating the scientific merit or research conducted in each specialty by Veterans' Administration investigators working in Veterans' Administration Medical Centers and clinics.

The meetings will be open to the public up to the seating capacity for the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendation will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by subsection 10(d) of Public Law 92-463,

as amended by Public Law 94-409, closing portions of these meetings is in accordance with 5 U.S.C., 552b(c) (6) and (9)(B). Because of the limited seating capacity of the rooms, those who plan to attend should contact Dr. Arlene E. Mitchell, Assistant Director for Scientific Review, Medical Research Service, Veterans' Administration, Washington, DC, (202) 233-5065 at least five days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: August 23, 1989.

By direction of the Secretary:

Sylvia C. Long,

Committee Management Officer.

[FR Doc. 89-20486 Filed 8-30-89; 8:45 am]

BILLING CODE 8320-01-M

Voluntary Service National Advisory Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that the annual meeting of the Department of Veterans Affairs Voluntary Service National Advisory Committee, comprised of 56 national voluntary organizations, will be held at the Red Lion Inn, Lloyd Center, Portland,

Oregon, October 26 through October 29, 1989.

Registration of the conferees and orientation of new committee members will be held beginning at 1 p.m. on October 26, 1989. The committee will officially convene with the Opening Session at 9 a.m., October 27, 1989, and will conclude at 12 noon, October 29, 1989.

The purposes of the meeting are to instruct committee members and organization officials of the obligations they have accepted for volunteer recruitment, communications and program interpretation, and to seek the advice of the committee in further developing volunteer participation in the care and treatment of veteran patients throughout the Department's nationwide medical program.

For further information contact Mr. Edward F. Rose, Director, Voluntary Service (135), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, Telephone (202) 233-4110.

Dated: August 24, 1989.

By direction of the Secretary:

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 89-20485 Filed 8-30-89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 168

Thursday, August 31, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

Notice of Meeting

Notice is hereby given in accordance with section 552b of title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, September 7, 1989.

The Commission was established pursuant to Public Law 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7:00 p.m. at the North Smithfield Annex Bldg., 575 Smithfield Rd., N. Smithfield, RI for the following reasons:

1. Treasurer's Report.
2. FY '89 budget adjustments and approval.
3. Report of the Chairman.
4. Report of the Executive Director.
5. Presentation and request for support for park plans from North Smithfield.
6. A South Pennine Region "Sister City" resolution.
7. Discussion and Adoption of the Cultural Heritage and Land Management Plan for the Blackstone River Valley National Heritage Corridor as provided in accordance with Public Law 99-647.

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: James Pepper, Executive Director, Blackstone River Valley National Heritage Corridor Commission, P.O. Box 34, Uxbridge, MA 01569. Telephone (508) 278-9400 or (508) 278-5124.

Further information concerning this meeting may be obtained from James Pepper, Executive Director of the Commission, at the address below.

James Pepper,
Executive Director, Blackstone River Valley National Heritage Corridor Commission.
[FR Doc. 89-20668 Filed 8-29-89; 1:53 pm]

BILLING CODE 4310-70-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, September 5, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 29, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-20626 Filed 8-29-89; 10:11 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, September 6, 1989.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 29, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-20627 Filed 8-29-89; 10:11 am]

BILLING CODE 6210-01-M

UNITED STATES INSTITUTE OF PEACE

DATE: Thursday, and Friday, September 6 and 7, 1989.

TIME: 9:15 a.m. 5:30 p.m.

PLACE: The United States Institute of Peace, 1550 M Street, NW., ground floor (conference room).

STATUS: Open session—Thursday 9:15 a.m. to 5:30 p.m. (portions may be closed pursuant to subsection (c) of section 552(b) of title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Pub. L. (98-525).

AGENDA: (TENTATIVE): Meeting of the Board of Directors convened. Chairman's Report. President's Report. Committee Reports. Consideration of the Minutes of the Thirty-Fourth meeting of the Board. Consideration of grant application matters.

CONTACT: Ms. Olympia Diniak. Telephone (202) 457-1700.

Dated: August 29, 1989.

Bernice J. Carney,

Administrative Officer, The United States Institute of Peace.

[FR Doc. 89-20651 Filed 8-29-89; 12:43 pm]

BILLING CODE 3155-01-M

POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 8:30 a.m. on Tuesday, September 12, 1989, in Washington, D.C. The meeting is open to the public and will be held in the Benjamin Franklin Room at Postal Service Headquarters, 475 L'Enfant Plaza, SW. The Board will also meet at 1:00 p.m. on Monday, September 11, 1989, but as indicated in the following paragraph, the meeting is closed to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

At its meeting on August 14, 1989, the Board voted to close to public observation its meeting scheduled for September 11, 1989, to consider 1) the Postal Rate Commission Recommended Decision Upon Reconsideration in Docket No. MC88-2, Second-Class Eligibility, and 2) a contract award for outside audit services (See 54, FR 34639, August 21, 1989).

Agenda

Monday Session

September 11—1:00 p.m. (Closed)

1. Consideration of the Postal Rate Commission Recommended Decision Upon Reconsideration in Docket No. MC88-2, Mail Classification Schedule 1988, Second-Class Eligibility. (Mr. Heselton)

2. Consideration of Contract Award for Outside Audit Services. (Mr. Coppie)

Tuesday Session

September 12—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, August 14-15, 1989.
2. Remarks of the Postmaster General.
3. Postal Rate Commission FY 1990 Budget Request. (Chairman Robert Setrakian)
4. Future Technology in the Postal Service. (Karen T. Uemoto, Assistant Postmaster General, Technology Resource Department)
5. Review of Capital Investment Program and FY 1990 Borrowing for Capital Investments. (Comer S. Coppie, Senior Assistant Postmaster General, Finance Group)
6. USPS Tentative FY 1991 Appropriations Request. (Mr. Coppie)

7. Review of Legislative Matters and Government Relations. (William T. Johnstone, Assistant Postmaster General, Government Relations Department)
8. Capital Investments: (Stanley W. Smith, Assistant Postmaster General, Facilities Department)
 - a. Mail Processing Center, North Chicago, IL.
 - b. Carol Stream, IL, GMF/VMF.
 - c. Rancho Park Station, Los Angeles, CA.
9. Tentative Agenda for October 2-3, 1989, meeting in Norman, Oklahoma.

Note: Certification on reverse side of this page.

David F. Harris,
Secretary.

[FR Doc. 89-20670 Filed 8-29-89; 1:54 pm]

BILLING CODE 7710-12-m

Corrections

Federal Register

Vol. 54, No. 168

Thursday, August 31, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP89-114-003]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

Correction

In notice document 89-19873, beginning on page 35234 in the issue of Thursday, August 24, 1989, make the following correction:

On page 35234, in the third column, in the heading, the "Docket No." should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Final Frameworks for Selecting Early Hunting Seasons on Certain Migratory Game Birds in the United States, Including Alaska, and Puerto Rico and the Virgin Islands, for the 1989-90 Season

Correction

In rule document 89-18857 beginning on page 32975 in the issue of Friday, August 11, 1989, make the following correction:

On page 32983, in the second column, under *Hunting Seasons*, in the 18th line, "is open" should read "is not open".

BILLING CODE 1505-01-D

THE PRESIDENT

PANAMA CANAL COMMISSION

35 CFR Parts 133 and 135

RIN 3207-AA04

Tolls for Use of Canal and Rules for Measurement of Vessels

Correction

In rule document 89-19784 beginning on page 35148 in the issue of Wednesday, August 23, 1989, make the following corrections:

§ 133.34 [Corrected]

1. On page 35148, in the third column, in § 133.34, in the 13th line, "marketing" should read "marking".

§ 135.352 [Corrected]

2. On page 35149, in the second column, in the 13th line, "portion" was misspelled.

BILLING CODE 1505-01-D

Register

Vol. 14

1989

Thursday
August 31, 1989

Part II

Department of Education

**Office of Special Education and
Rehabilitative Services**

34 CFR Part 379

Projects With Industry; Final Regulations

DEPARTMENT OF EDUCATION

Office of Special Education and
Rehabilitative Services

34 CFR Part 379

RIN 1820-AA82

Projects With Industry

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations in part 379 governing the Projects with Industry (PWI) program by amending existing regulations, and by adding regulations in a new subpart F to implement requirements in sections 621(f) and 621(h) of the Rehabilitation Act (Act) as added by Public Law 99-506, the Rehabilitation Act Amendments of 1986. The 1986 statutory amendments require: that indicators of minimum compliance with program evaluation standards approved by the National Council on Disability be published in the *Federal Register*; that, beginning with fiscal year 1989, each PWI grantee report to the Secretary at the end of each project year the extent to which it is in compliance with the evaluation standards; that continuation funding be provided only to grantees who are carrying out the provisions of their approved grant application and who meet the evaluation standards; and that the Secretary give priority to unserved geographic areas and, beginning in fiscal year 1991, consider past project performance in making new grant awards.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Sandy DeSantis, Rehabilitation Services Administration, Mary E. Switzer Building, Room 3411, 330 C Street SW., Washington, DC 20202-2740. Telephone (202) 732-1333.

SUPPLEMENTARY INFORMATION:**Development of Evaluation Standards,
Proposed Compliance Indicators,
Performance Levels and Weights**

In accordance with section 621(d) (1), (3) and (4) of the Act, PWI evaluation standards, based on statutory provisions and successful project practices, were developed by the Rehabilitation Services Administration (RSA) and

approved by the National Council on Disability. The evaluation standards are published as an appendix to the regulations. As required by section 621(d)(2) of the Act, an evaluation of the PWI program, using the approved evaluation standards, was conducted in 1985. A report on the evaluation was forwarded to Congress in February 1986.

In the Rehabilitation Act Amendments of 1986, Congress added the requirement that the Secretary develop indicators of what constitutes minimum compliance with the evaluation standards. Proposed indicators were developed based on the PWI evaluation standards and the results of the national PWI program evaluation.

A proposed performance level was developed for each compliance indicator based upon analysis of grantee data, consideration of the data collected in the program evaluation in 1985, and the Department's views as to satisfactory grantee performance. A proposed weight was developed for each compliance indicator based on the Department's assessment of the relative importance of each indicator.

On February 14, 1989, the Secretary published a notice of proposed rulemaking (NPRM) containing proposed compliance indicators, performance levels, and weights in the *Federal Register* (54 FR 6808). For a detailed discussion of the development of the compliance indicators, the weights, and performance levels, please see the NPRM. The principal change in the final regulations is the adoption of performance ranges for each compliance indicator rather than a single performance level under which a project would receive either no points or full points, as proposed in the NPRM. This change is discussed in detail in the section of this preamble discussing comments and changes.

**Adoption of Compliance Indicators,
Performance Ranges and Points**

The purpose of these regulations is to adopt compliance indicators, minimum performance levels, performance ranges, and points for each indicator to measure the effectiveness of individual projects in critical performance areas. The indicators will be used to evaluate performance to determine whether a grantee's application for continuation funding should be approved. As a measure of past performance, compliance with the indicators will also be a factor in making new awards beginning in fiscal year 1991.

A composite scoring system is adopted. This system allows a project that performs poorly on a few indicators to be eligible for continuation funding or

a new award based on past performance if the project performs well on most of the indicators. The maximum possible composite score is 150 points. A grantee must achieve a composite score of at least 70 points to be in minimum compliance with the program evaluation standards.

A minimum performance level is established for each indicator. If a grantee fails to meet the minimum performance level for a particular indicator, the grantee will receive no points on that indicator. If a grantee meets or exceeds the minimum performance level for an indicator, the grantee will receive some points.

Three performance ranges are established for each compliance indicator. Each performance range represents a group of comparable performance levels. The three ranges represent progressively higher levels of performance. The higher the level of performance, the greater the number of points assigned to that range. A grantee will receive the number of points assigned to the performance range corresponding to the grantee's actual level of performance.

A grantee that meets only the lowest performance range on every indicator cannot accumulate sufficient points to meet the passing composite score necessary to be in minimum compliance with the evaluation standards.

**Application of the Compliance
Indicators**

A grantee's performance is determined by the data it submits from the most recent complete project year. If a grantee does not meet the minimum composite score on the basis of the previous year's data, the regulations provide an additional opportunity for the grantee to demonstrate compliance with the standards by submitting data from the first six months of the current project year.

Because grant awards under this program are made near the end of the fiscal year with project periods that run concurrent with the following fiscal year, grantees will receive two years of funding before data are available for a complete project year. When a grantee's application is submitted for the third year of funding, i.e., the second continuation application, project data from the first year of funding must be submitted with that application.

The indicators, minimum performance levels, and performance ranges will be first applied to continuation grants funded from fiscal year 1990 appropriations, which will be awarded by September 30, 1990 and will cover the

project year that begins October 1, 1990 and ends September 30, 1991. The awards will be based, in part, on grantee compliance with the standards as implemented by the indicators. The data used to measure performance will be the twelve months of data from the project year running from October 1, 1988 to September 30, 1989 or, if necessary, six months of data from October 1, 1989 through March 31, 1990.

Consideration of Prior Performance and Geographical Location

In making new awards, the regulations provide for giving priority to geographic areas among the States that are currently not served or are underserved by PWI projects and for consideration of past performance, if appropriate.

Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, 32 parties submitted comments on the proposed regulations. The major issue raised in the comments was the objection to the "all or nothing" scoring approach to measuring performance and awarding points. Resolution of this issue resulted in changes to a number of sections of the regulations. Major issues are grouped according to subject. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under the applicable statutory authority—are not addressed.

Definitions

Comments: A few commenters requested definitions of "full-time," "severely disabled," "competitive employment," "placed," and "served." The commenters did not propose specific definitions for these terms. One commenter stated, however, that he assumed any regulatory definition of "placement" would still mean retention of a job for at least 60 days.

Discussion: The Secretary does not believe that definitions are needed for the terms "full-time" and "severely disabled." The term "full-time" was not used in the NPRM. It is, however, used in a definition of "competitive employment" added to the final regulations and refers to the standard 40-hour work week. A definition of "severely disabled" would be superfluous because PWI program regulations in 34 CFR 379.4 incorporate by cross reference terms that are defined in part 369, one of which is "individual with severe handicaps." This definition tracks the statutory definition of this term in section 7(15)(A) of the Rehabilitation Act.

The Secretary does, however, believe that definitions are needed for the terms "competitive employment," "person served," and "placement," which are used in many of the compliance indicators, in order to ensure that applicants and grantees uniformly understand the performance requirements contained in the compliance indicators and to ensure that data reported by grantees is consistent.

"Competitive employment," as the placement outcome under the PWI program, is defined to mean productive full-time or part-time work in business or industry at a rate of compensation at least equal to the applicable minimum wage. This definition is consistent with the statutory focus on private industry placements and with the statutory requirement that employers pay placed individuals at least the applicable minimum wage.

A definition of "person served" is also added to the final regulations. This term includes any individual who has completed the project's intake process, who has been approved for project services, and who has begun to receive services—during the project period—with the objective that those services will result in a competitive employment placement. This definition is consistent with the definition of "person served" that was included in the PWI data collection instrument and reporting instructions published in the *Federal Register* (Notice of Proposed Information Collection Request, 53 FR 22450, June 15, 1988; Notice of Information Collection Request, 53 FR 25105, July 1, 1988).

A definition of "placement" is also included in the final regulations. This term applies to any person served by a PWI project who has successfully completed training, who has obtained a competitive employment placement, and who has maintained that placement for at least 60 continuous days. The 60-day retention requirement is consistent with longstanding program interpretation of the term "placement" and with grantee understandings and practices. The published PWI data collection instrument and reporting instructions, previously referred to, also stipulated that a placement cannot be counted until the individual has held a job for at least 60 continuous days. The preamble to the NPRM specifically mentioned the published PWI data collection instrument and reporting instructions.

Changes: A change has been made in § 379.4 to add definitions for "competitive employment," "person served," and "placement."

Reporting Requirements

Comments: Commenters observed that the reporting process will count persons served during one year, but not placed until the next. They asked whether this "statistical warp" is acceptable. Other commenters objected that the timing of data submission does not end funding in a timely manner for unsatisfactory projects.

Discussion: The "statistical warp" referred to in the comment is common when programs such as PWI collect project data for each funding period and project services to individuals are provided that span two funding periods. Grantees, when projecting project performance, should take into consideration the possibility that some of the individuals that they serve in one funding period may not be placed into competitive employment until the next funding period. This time lag between services provision and placement is primarily a factor only during grant start-up periods when clients spend time in training before being placed into employment. After the start-up period, the movement of clients from training to competitive placements should be on a continuum, although movement may not coincide with the project year. The data collected for a project year is a "snapshot" of project performance and is not dependent on following a particular individual from project entry to exit.

The time lag between the collection of project year data and the application of that data to decisions for continuation funding is inevitable, given the timing of the grants process. If a full year of data is used, it must be data from the prior project year. The final regulations, however, provide an additional opportunity for grantees to meet the compliance indicators by using partial data from the current project year.

Changes: None.

Effective Date of Compliance Indicators

Comments: Several commenters objected to the compliance indicators taking effect in 1990. It was suggested that there should be at least a full year of experience under the final regulations before they are applied. Another commenter asked how the indicators will be applied to new applications in 1991 and how this will differ from continuation awards in 1990.

Discussion: The 1986 amendments to section 621 of the Act require grantees to begin to report data in fiscal year 1989 to be used for fiscal year 1990 continuation awards. As noted in the NPRM, existing grantees have been

aware of the evaluation standards since 1985, the draft indicators since January of 1988, and the project performance areas since July 1988 when the Notice of Information Collection Request was published in the *Federal Register* (53 FR 25105). The NPRM published in February 1989 proposed weights and minimum performance levels for the indicators.

Adoption of performance ranges in the final regulations makes it easier for grantees to achieve the composite score necessary to be eligible for continued funding. In addition, any grantee who fails to meet the compliance indicators based on its 1989 data may submit data for the first six months of 1990 to show that its project performance has improved sufficiently to meet the compliance indicators. For these reasons, grantees are considered to have had ample notice and will have ample opportunity to meet the indicators.

Section 621(h)(3) provides that new grant awards shall be made on a competitive basis and shall include consideration of past performance, if appropriate. A grantee applying for continuation funding does not compete with other applicants; it need only adhere to the provisions in its original application and meet the evaluation standards, as implemented by the compliance indicators.

Changes: None.

Scoring System

Comments: Many of the commenters objected to the "all or nothing" scoring system proposed in the NPRM under which projects would receive full points for meeting or exceeding the minimum performance level and none for not meeting that level. They observed that this scoring system is opposed to the FWI philosophy that "diversity, flexibility, and creativeness is our strength"; that it leads to inequities; and that there is no incentive for projects to excel and no margin for project error. One commenter submitted a detailed proposal with suggested ranges with point scores for each range. This commenter took the proposed minimum performance level in the NPRM for each compliance indicator as a point of departure, gave points for effort in a range of performance below the proposed minimum performance level and points for superior performance in a range above the minimum performance level. One commenter suggested that the minimum composite score be raised to 80 points.

Discussion: The Secretary agrees that the use of performance ranges, rather than the "all or nothing" scoring system proposed in the NPRM, is a better way to measure grantee performance. The

use of ranges is a more flexible and sensitive scoring system that recognizes different levels of grantee performance from the minimally acceptable to the superior. The use of ranges also allows grantees to meet the composite passing score, even though they may earn no or few points on some indicators, by performing well and earning many points on other indicators. By raising the maximum possible score from 100 to 150 points and lowering the minimum performance level to give points for effort, as suggested in the comments, the overall effect is that the passing composite score in the final regulations is slightly less stringent than that proposed in the NPRM.

Changes: A change in the scoring system has been made in the final regulations to provide for performance ranges with points assigned to each range. The minimum performance level for each indicator has been lowered slightly from the NPRM level. The maximum composite score has been raised from 100 to 150 points. The passing composite score has been changed from 60 points to 70 points.

Performance Levels

Comments: Some commenters suggested that the performance levels for certain compliance indicators be changed.

Discussion: The minimum performance levels proposed in the NPRM were reviewed in response to the comments. The Secretary agrees that performance ranges better reflect grantee effort. In developing the final regulations, consideration was given both to the performance level proposed in the NPRM and the performance ranges suggested in the comments.

Changes: Three performance ranges have been established for each compliance indicator. On each compliance indicator, the NPRM minimum performance level falls within range (2). The bottom performance level in range (1) is the minimum performance level. The minimum performance level has thus been reduced below that proposed in the NPRM.

Compliance Indicators for Persons Served

Comments: Several commenters suggested that compliance indicators measuring persons served should be deleted from the final regulations. The commenters believed that measuring particular types of persons served can be a disincentive to projects to serve other categories of individuals with disabilities. They indicated that the emphasis should be on project results rather than method.

Discussion: The final regulations, like the NPRM, reflect a greater emphasis on project results than on types of persons served; however, the Secretary believes that certain of the compliance indicators measuring persons served (the unemployed and severely disabled) should be retained. These compliance indicators provide an incentive for projects to serve difficult populations even if the percentage of these persons placed may be low. The points earned on these indicators may provide a partial offset for a grantee serving a difficult-to-place population if reduced points are earned on some of the outcome indicators.

Changes: None, with the exception of the compliance indicators covering persons receiving Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI), which are discussed separately.

Serving Persons Who Have Been Unemployed for Six Months

Comments: Commenters argued that some credit should be given for serving persons unemployed less than six months and contended that the six-month time period would encourage "creaming" (selecting for project participation only those unemployed persons who meet this six months standard) or delay initiation of services. One commenter stated that the regulations should not consider persons in workshops, work-study, or having only summer work experience as employed persons. This commenter also suggested the regulations may discriminate against older workers versus youth in transition from school to work.

Discussion: The Secretary believes that separate emphasis needs to be placed on serving persons who have been unemployed for at least six months. The six-month time period was retained because the 1985 evaluation study of the FWI program established that persons in this group are the most difficult to place.

The FWI evaluation study also disclosed that persons with some work experience within six months of project entry were less difficult to place into competitive employment. In establishing the performance ranges for the compliance indicator measuring persons served who are unemployed at least six months and the compliance indicator measuring increased earnings, careful consideration was given to afford latitude for grantees serving significant populations of underemployed or temporarily employed persons such as

those in workshops, summer employment, transition, or work-study.

The Secretary does not believe that this indicator would encourage "creaming," delay services to individuals who have been employed within the six-month period prior to project entry, or impact adversely on projects serving older individuals with disabilities.

Changes: The minimum performance level for this indicator has been lowered from 60 percent to 50 percent, and three performance ranges have been established to award points for different levels of performance.

Serving and Placing SSI or SSDI Recipients

Comments: A number of commenters were concerned about establishing compliance indicators for particular transfer payment groups. Some rural grantees believed these two compliance indicators would present problems in geographic areas where there is no control over project referrals; others foresaw discrimination and manipulation problems, such as refusing services to a person not receiving SSI or SSDI benefits, or refusing services to a person until the person has been determined eligible for these benefits. There were also several suggestions that these compliance indicators be expanded to include other transfer payment groups.

Discussion: In developing the final regulations consideration was given initially either to expanding these two indicators to include other transfer payment groups, such as Aid to Families with Dependent Children (AFDC) and General Assistance (GA), or to changing these compliance indicators to focus on particular disability populations, such as persons with traumatic brain injury and long term mental illness, that the Secretary wishes to encourage grantees to serve.

Expansion to other transfer payment groups was rejected as administratively burdensome. Expansion to other disability groups not mentioned in the NPRM was not justified by the data. Also, the most difficult to place disability groups, which include SSI and SSDI recipients, are believed to already be covered by the compliance indicators on unemployed individuals. There was some concern, too, that grantees would not have data available in fiscal year 1989 if these compliance indicators were changed substantially or new performance areas were added.

After careful consideration, the Secretary has determined that it would be inappropriate in these regulations to single out particular transfer payment groups for special emphasis, particularly

when these groups are subsumed under other indicators measuring types of persons served.

Changes: The two proposed compliance indicators on serving and placing SSI and SSDI recipients have been removed from the final regulations, and the points have been allotted to the compliance indicators that measure serving and placing persons unemployed for at least six months at the time of project entry.

Cost Per Placement

Comments: A number of commenters suggested that the cost was set too low, especially if a project's emphasis is on persons with severe disabilities. Other commenters suggested that since the Social Security Administration reimbursement for an individual who succeeds in a Substantial Gainful Activity (SGA) placement is approximately \$7,000, the PWI cost per placement rate should be set accordingly. A commenter also cited a study regarding placement of individuals in supported employment as support for a higher cost per placement.

Discussion: A computer analysis was conducted to determine whether there was a correlation between serving individuals with severe disabilities and higher costs per placement. No measurable correlation was found.

The cost per placement for a person served by a PWI project includes the cost of services provided to the individual with the objective that those services will result in a placement in competitive employment plus the cost of any support services provided by the project during the mandatory 60-day placement retention period. Reimbursement for SGA is payment for the costs of training and support services for a placement for nine months. The costs referred to in the supported employment study were for a one-year placement. It is difficult to meaningfully compare these various costs.

It is acknowledged that a PWI grantee with a lengthy training and presupport program will incur higher costs, but it is believed that a grantee with this type of project can score high on other compliance indicators and offset a low score on this particular indicator. Moreover, the adoption of performance ranges does permit a grantee to achieve some points for average placement costs up to \$1600 rather than the \$1350 proposed in the NPRM.

Changes: The average cost per placement was raised to \$1600.

General Comments

Comments: Several commenters observed that there was no proposed provision in the regulations for periodic review of performance levels. Others advised that the nature of some indicators, such as cost per placement, should be monitored and modified as necessary.

Discussion: The Secretary recognizes that some indicators may be influenced by outside factors. For instance, the indicator regarding change in earnings will probably be affected if the minimum wage is raised. The adoption of performance ranges rather than a single pass or fail score for each compliance indicator is expected to absorb some changes or fluctuations in project performance. Since this is the first application of this approach to measuring grantee performance and since performance levels were established based on available grantee data through 1988, the data submitted by projects for fiscal years 1989 and 1990 will be carefully reviewed to determine what, if any, changes to the performance levels may be necessary.

Changes: None.

Comments: A number of commenters mentioned that the diversity among PWI projects makes it difficult to develop uniform compliance indicators that fairly measure the performance of different types of projects.

Discussion: The scoring system adopted reflects a careful balancing of various factors through the use of a variety of compliance indicators and performance ranges. The scoring system, as simulated by a number of computer analyses of the available grantee performance data, is designed to enable diverse kinds of projects to achieve the composite score necessary to be eligible for continued funding by counterbalancing different indicators.

Changes: None.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

List of Subjects in 34 CFR Part 379

Education, Grant programs—education, Grant programs—social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number: 84.128 Projects With Industry)

Dated: August 14, 1989.

Lauro F. Cavazos,
Secretary of Education.

The Secretary amends part 379 of Title 34 of the Code of Federal Regulations as follows:

PART 379—PROJECTS WITH INDUSTRY

1. The table of contents for part 379 is amended by adding a new subpart F and the authority citation is revised to read as follows:

Subpart F—What Requirements Must a Grantee Meet To Receive Continuation Funding?

379.50 What are the requirements for continuation funding?

379.51 What are the program compliance indicators?

379.52 How is grantee performance measured using the compliance indicators?

379.53 What are the weights, minimum performance levels, and performance ranges for each compliance indicator?

Authority: Secs. 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g, unless otherwise noted.

2. Section 379.4 is revised to read as follows:

§ 379.4 What definitions apply to this program?

(a) The definitions in 34 CFR part 369 apply to this program.

(b) The following definitions also apply to this program:

Competitive employment, as the placement outcome under this program, means productive full-time or part-time work in business or industry at a rate of compensation at least equal to the applicable minimum wage.

Person served means an individual for whom services by a PWI project have been initiated with the objective that those services will result in a placement in competitive employment.

Placement means the attainment of competitive employment by a person served by a PWI project who has successfully completed training and maintained employment for at least sixty continuous days.

(Authority: Secs. 12(c) and 621 of the Act; 29 U.S.C. 711(c) and 795g)

§ 379.32 [Redesignated from § 379.31]

3. Section 379.31 is redesignated as § 379.32 and a new § 379.31 is added to read as follows:

§ 379.31 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria in § 379.30, the Secretary, in making awards under this program, considers—

(a) The geographical distribution of projects among the States and gives priority to geographic areas that are currently not served or are underserved by the Projects With Industry program; and

(b) Beginning with fiscal year 1991, the past performance of the applicant in carrying out a similar Project With Industry under previously awarded grants, as indicated by factors such as compliance with grant conditions, soundness of programmatic and financial management practices, and meeting the requirements of subpart F of this part.

(Authority: Secs. 621(h)(3) and 621(i) of the Act; 29 U.S.C. 795g(h)(3) and 795g(i))

4. Section § 379.46 is revised to read as follows:

§ 379.46 What are the reporting requirements?

(a) Beginning with fiscal year 1990, each application for continuation funding for the third or any subsequent year of a PWI grant must include data for the most recent complete project year in order for the Secretary to determine if the grantee has met the program compliance indicators established in subpart F of this part.

(b) If the data for the most recent complete project year provided under paragraph (a) of this section shows that a grantee has failed to achieve the minimum composite score required in § 379.52(f) to meet the program compliance indicators, the grantee may, at its option, submit data from the first six months of the current project year to demonstrate that its project performance has improved sufficiently to meet the minimum composite score.

(Approved by the Office of Management and Budget under control number 1820-0506)

(Authority: Section 621(f)(2) of the Act; 29 U.S.C. 795g(f)(2))

5. Part 379 is amended by adding a new subpart F, consisting of §§ 379.50 through 379.53, to read as follows:

Subpart F—What Requirements Must a Grantee Meet To Receive Continuation Funding?

§ 379.50 What are the requirements for continuation funding?

Beginning with fiscal year 1990, in order to receive a continuation award for the third or any subsequent year of a PWI grant a grantee shall adhere to the provisions of its approved application

and shall receive a minimum composite score of at least 70 points on the program compliance indicators contained in § 379.53.

(Authority: Section 621(h)(4)(B) of the Act; 29 U.S.C. 795g(h)(4)(B))

§ 379.51 What are the program compliance indicators?

The program compliance indicators implement program evaluation standards, which are contained in an appendix to this part, by establishing minimum performance levels and performance ranges in essential project areas to measure the effectiveness of individual grantees.

(Authority: Secs. 621(d)(1) and 621(f)(1) of the Act; 29 U.S.C. 795g(d)(1) and 795g(f)(1))

§ 379.52 How is grantee performance measured using the compliance indicators?

(a) Each compliance indicator establishes a minimum performance level.

(b) Each compliance indicator also establishes three performance ranges with points assigned to each range. The higher the performance range, the greater the number of points assigned to that range.

(c) If a grantee does not achieve the minimum performance level for a compliance indicator, the grantee receives no points.

(d) If a grantee achieves or exceeds the minimum performance level, the grantee receives the points assigned to the particular performance range that corresponds to its actual level of performance.

(e) The maximum possible composite score that a grantee can receive is 150 points.

(f) A grantee must receive a composite score of at least 70 points to meet the evaluation standards and qualify for continuation funding.

(Authority: 621(h)(4)(B) of the Act; 29 U.S.C. 795g(h)(4)(B))

§ 379.53 What are the weights, minimum performance levels, and performance ranges for each compliance indicator?

(a) *Percent of persons served whose disabilities are severe.* (3–10 points) A minimum of 50 percent of persons served by the project are persons who have severe disabilities. The performance ranges and the points assigned to each range are as follows:

- (1) 50 percent to 59 percent—3 points.
- (2) 60 percent to 75 percent—7 points.
- (3) 76 percent or more—10 points.

(b) *Percent of persons served who have been unemployed for at least six months at the time of project entry.* (5–15 points) A minimum of 50 percent of

persons served by the project have been unemployed for at least six months at the time of project entry. The performance ranges and the points assigned to each range are as follows:

- (1) 50 percent to 59 percent—5 points.
- (2) 60 percent to 75 percent—10 points.
- (3) 76 percent or more—15 points.

(c) *Cost per placement.* (8–25 points)

The average cost per placement of persons served by the project does not exceed \$1600.00. The performance ranges and the points assigned to each range are as follows:

- (1) \$1351 to \$1600—8 points.
- (2) \$1000 to \$1350—17 points.
- (3) Less than \$1000—25 points.

(d) *Projected cost per placement.* (5–15 points) The actual average cost per placement of persons served by the project does not exceed 140 percent of the projected average cost per placement in the grantee's application. The performance ranges and the points assigned to each range are as follows:

- (1) 126 percent to 140 percent—5 points.
- (2) 111 percent to 125 percent—10 points.
- (3) 110 percent or less—15 points.

(e) *Placement rate.* (8–25 points) A minimum of 40 percent of persons served by the project are placed in competitive employment. The performance ranges and the points assigned to each range are as follows:

- (1) 40 percent to 49 percent—8 points.
- (2) 50 percent to 69 percent—17 points.
- (3) 70 percent or more—25 points.

(f) *Projected placement rate.* (5–15 points) The actual number of persons served by the project that are placed into competitive employment is at least 50 percent of the number of persons that the grantee, in the grant application, projected would be placed. The performance ranges and the points assigned to each range are as follows:

- (1) 50 percent to 74 percent—5 points.
- (2) 75 percent to 94 percent—10 points.
- (3) 95 percent or more—15 points.

(g) *Change in earnings.* (7–20 points) The earnings of persons served by the project who are placed into competitive employment have increased by an average of at least \$75.00 a week over earnings at project entry. The performance ranges and the points assigned to each range are as follows:

- (1) \$75 to \$124—7 points.
- (2) \$125 to \$199—14 points.
- (3) \$200 or more—20 points.

(h) *Percent placed who have severe disabilities.* (3–10 points) At least 50 percent of persons served by the project who are placed into competitive employment are persons who have severe disabilities. The performance ranges and the points assigned to each range are as follows:

- (1) 50 percent to 59 percent—3 points.
- (2) 60 percent to 75 percent—7 points.
- (3) 76 percent or more—10 points.

(i) *Percent unemployed placed.* (5–15 points) At least 50 percent of persons served by the project who are placed into competitive employment are persons who were unemployed for at least six months at the time of project entry. The performance ranges and the points assigned to each range are as follows:

- (1) 50 percent to 59 percent—5 points.
- (2) 60 percent to 75 percent—10 points.
- (3) 76 percent or more—15 points.

(j) *Summary chart of weights and performance ranges.* The following composite chart shows the weights assigned to the performance ranges for each compliance indicator.

Indicator	Performance ranges:		
	Range (1)	Range (2)	Range (3)
Persons with severe disabilities served.....	3	7	10
Unemployed served.....	5	10	15
Cost per placement.....	8	17	25
Projected cost per placement.....	5	10	15
Placement rate.....	8	17	25

Indicator	Performance ranges:		
	Range (1)	Range (2)	Range (3)
Projected placement rate.....	5	10	15
Change in earnings.....	7	14	20
Percent placed who have severe disabilities.....	3	7	10
Percent unemployed placed.....	5	10	15
Total possible score.....	49	102	150

(Authority: Section 621(f)(1) of the Act; 29 U.S.C. 795g(f)(1))

6. An appendix is added to part 379 to read as follows:

Appendix to Part 379—Evaluation Standards

Standard 1: The primary objective of the project shall be to assist individuals with disabilities to obtain competitive employment. The activities carried out by the project shall support the accomplishment of this objective.

Standard 2: The project shall serve individuals with disabilities that impair their capacity to obtain competitive employment. In selecting persons to receive services, priority shall be given to individuals with severe disabilities.

Standard 3: The project shall ensure the provision of services that will assist in the placement of persons with disabilities.

Standard 4: Funds shall be used to achieve the project's primary objective at minimum cost to the federal government.

Standard 5: The project's advisory council shall provide policy guidance and assistance in the conduct of the project.

Standard 6: Working relationships, including partnerships, shall be established with agencies and organizations in order to expand the project's capacity to meet its objectives.

Standard 7: The project shall obtain positive results in assisting individuals with disabilities to obtain competitive employment.

[FR Doc. 89-20466 Filed 8-30-89; 8:45am]

BILLING CODE 4000-01-M

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Federal Register

Thursday
August 31, 1989

Part III

Department of Labor

Mine Safety and Health Administration

30 CFR Part 75

Safety Standards for Roof, Face and Rib
Support; Proposed Rule and Notice of
Hearing

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219-AA63

Safety Standards for Roof, Face and Rib Support

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule and notice of hearing.

SUMMARY: This proposed rule would revise two sections of the Mine Safety and Health Administration's (MSHA) underground roof support safety standards which were promulgated on January 27, 1988. These two standards, which address the quality of roof bolts and the removal of permanent roof supports, were challenged in the D.C. Circuit Court of Appeals. This proposal is being initiated because of the opinion of the Court in that case which would vacate the affected sections on February 15, 1990.

DATES: Written comments must be submitted on or before October 6, 1989.

A public hearing will be held at the Lexington Hilton Inn, 1938 Stanton Way, Lexington, Kentucky 40511 on October 19, 1989, beginning at 9 a.m. Requests to make oral presentations for the record should be submitted at least 5 days prior to the hearing. However, immediately before the hearing begins, any unallotted time will be made available to persons making late requests.

ADDRESS: Send written comments and requests to make oral presentations at the hearing to the Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235-1910.

SUPPLEMENTARY INFORMATION:**I. Background and Discussion of Proposed Rule**

MSHA is proposing revisions of two standards that were promulgated on January 27, 1988 (53 FR 2354). These safety standards address roof support in underground coal mines. These revisions are proposed under 30 U.S.C. 811.

On January 27, 1988 (53 FR 2354), MSHA published final rules revising its safety standards for roof, face and rib support in underground coal mines. This

proposal affects existing 30 CFR 75.204 (a) and (b), which set out requirements for roof bolts, and 30 CFR 75.213, which sets out requirements for roof support removal.

On March 10, 1989, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of *United Mine Workers of America (UMWA) v. Elizabeth H. Dole*, 870 F.2d 662. The Court held that MSHA's preamble discussion of two specific standards challenged by the UMWA did not fully address whether the new standards provided the same or greater level of safety protection as the prior standards. Therefore, the Court held the two standards invalid. On May 17, 1989, the Court of Appeals issued an order which will vacate 30 CFR 75.204 (a) and (b), and 75.213 on February 15, 1990.

In accordance with the May 17, 1989 court order, the Agency is proposing revisions that address the issues raised in litigation and take into account MSHA's statutory mandate contained in 30 U.S.C. 811(a)(9) which requires that new mandatory standards not reduce the protection provided to miners by existing mandatory standards. The relevant prior rules that should be used for purposes of comparison with these proposed rules are 30 CFR 75.200-6, 75.200-7(a)(1), 75.200-14, 75.204 and 75.204-1 (1987). The provisions of these prior rules are described elsewhere in this preamble.

The purpose of the public hearing is to receive relevant comment and to answer questions concerning the proposal. The hearing will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence will not apply, the presiding official may exercise discretion in excluding irrelevant or unduly repetitious material and questions.

The hearing will begin with an opening statement from MSHA. The public will then be given an opportunity to make oral presentations. During these presentations, the hearing panel will be available to answer relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. Time will be made available at the end of each hearing for rebuttal statements. A verbatim transcript of the proceeding will be taken and made a part of the rulemaking record. Copies of the hearing transcript will be available for review by the public.

MSHA will also accept additional written comments and other appropriate data from any interested party, including those not presenting oral statements. Written comments and data

submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until October 30, 1989.

Section-by-Section Discussion**Section 75.204 Roof Bolting**

Paragraphs (a) and (b) of this standard address the quality of roof bolts and accessories that are installed in underground coal mines. Paragraphs (c) through (g) are not included in this rulemaking and were not at issue in the litigation.

The proposal has been updated to reflect technological advancements in the development of roof bolts and would provide improved protection to miners when compared to the prior rule. The proposal also updates the existing standard by referencing the most recent revision of the American Society for Testing Materials (ASTM) standard which was published in 1988.

Paragraph (a) would require the operator to obtain a certification from the manufacturer that roof bolts and accessories addressed in ASTM F432-88, "Standard Specification for Roof and Rock Bolts and Accessories," were manufactured in accordance with the ASTM standard. The certification would verify that the roof bolts and accessories were manufactured and tested in accordance with the ASTM standards. The ASTM standard for roof bolts and accessories is a consensus standard used throughout the United States for the design of such materials.

Requiring that the operator obtain a certification from the manufacturer would eliminate the concern that mine operators would need to have the same knowledge of ASTM standards as manufacturers. The proposal would require operators to have available for inspection a certification from the manufacturer that the roof bolts and accessories used at the mine meet the ASTM specifications. This approach is consistent with the industry practice of manufacturers routinely furnishing such certification to the mine operator when requested to do so in a contract or purchase order. In addition, ASTM F432-88 specifies that the manufacturer is to provide such a certification upon request. Interested persons may obtain ASTM F432-88 from the publisher, American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. It may also be examined at any Coal Mine Safety and Health district or subdistrict office.

The prior rule, 30 CFR 75.200-7(a) (1987), stated that roof bolt assemblies should meet American National Standards Institute's (ANSI), "Specifications for Roof Bolting Materials in Coal Mines." This rule, which was published in 1970, referred to the ANSI document in existence at that time. The 1988 ASTM standard which is referenced in the proposed rule is a more comprehensive and updated document which reflects advances in roof bolt technology. Examples of such improvements are: A grade rating system for bearing plates; a color coding scheme used to identify the length of bolts; increased strength specifications for threaded parts; increased coverage of roof bolt accessories, i.e., hardened washers, reinforcement bars, and couplings; upgrade of the quality of steel used and specifications for chemical requirements of materials used in the manufacture of roof bolts and accessories; and standard test methods for manufacturers to assure that bolts and accessories meet performance specifications. As a result, the proposal would provide additional safety for miners, as compared to the prior rule.

Paragraph (b) of the proposal would allow the use of roof bolts and accessories not addressed in ASTM F432-88, provided that they are effective. The effectiveness of such bolts or accessories would be required to be demonstrated by their successful use in an area of a coal mine with similar strata opening dimensions and roof stresses, or by their effective use under controlled conditions in a representative area of the affected mine. Testing would be conducted in an area with conditions that are representative of those where the materials are expected to be used. Until testing demonstrates the effectiveness of the bolts or accessories proposed to be used, access to the area would be controlled to permit entry only by those persons necessary for the testing process.

MSHA proposed to add the phrase "approved by the District Manager" to clarify that all new roof bolts and accessories not addressed by the ASTM standard be approved for use through the roof control plan before they are permitted to be used as roof support at a mine. The prior rule, 30 CFR 75.200-12 (1987), called for test areas for new support materials but did not set out the performance that these materials would be required to meet. The proposal would improve the prior rule by specifying the performance of bolts and accessories that must be demonstrated before approval is granted.

Section 75.213 Roof Support Removal

This standard, which is derived from prior rules 30 CFR 75.204, 75.204-1 and 75.200-14, would set forth requirements for removing permanent roof supports. It would require taking certain precautions to minimize the hazards involved in the removal of roof supports and identify circumstances under which roof supports cannot be removed.

The proposed requirements would differ from the prior rules, which provided that operators who intend to recover roof supports include a plan for such recovery in the mine's approved roof control plan. Under the proposal, the criteria provisions in 30 CFR 75.200-14 (1987), which were considered by the District Manager when approving roof support recovery plans, would no longer be implemented through roof control plans. Instead, roof support removal would be separately addressed in the proposed standard. As a result, roof control plans would be less cumbersome and complex.

Paragraph (a) specifies that the removal of permanent roof supports be done either by persons experienced in this work or by persons under the supervision of a person, designated by the operator, who is experienced in removing roof supports. In addition the proposal would require persons performing roof support removal to have at least one year of underground mining experience. With this experience, miners performing roof support removal could be expected to be aware of the general hazards associated with underground mining.

The prior rule, 30 CFR 75.200-14(a) (1987), provided that "Recovery should only be done under the direct supervision of a mine foreman, assistant mine foreman, or section foreman." The prior rule also provided that experienced miners be assigned to recovery work but did not specify the amount of experience required. Under the prior rule, persons with a supervisory title could supervise roof support removal, even if they had no experience with this type of work. The proposal focuses directly on the support removal experience of the supervisor and the persons who perform roof support removal.

Paragraph (b) would require a person designated by the operator to examine roof conditions in the area where permanent supports are to be removed and specify which supports should be removed. The proposal would require these tasks to be completed before roof support removal is started. Testing roof conditions in these areas would

determine whether it is safe to remove the supports.

Paragraph (c)(1) would require at least one row of temporary supports on not more than 5-foot centers or equivalent support to be installed prior to the removal of permanent supports. These supports would be required to be installed across the opening within 4 feet of the supports to be removed. If one row of temporary supports is not sufficient to assure safe removal, the standard would require additional supports to be installed across the opening.

The prior rule provided for two rows of temporary supports on not more than 4-foot centers wherever supports were to be removed. The proposal would recognize that supports on centers up to 5 feet can effectively prevent a roof fall from extending beyond where supports are being removed. This is consistent with MSHA's experience in applying previous criteria through the plan approval process. Likewise, the proposal retains the prior rule's compliance responsibility to install more support when conditions so require. For example, when one crossbar or a row of supports is being removed, one row of temporary supports is, in many mines, sufficient to prevent a roof fall from extending beyond the location where the supports are being removed. On the other hand, when multiple supports are being removed, two or more rows of supports may be necessary to control the roof. Likewise, where roof conditions are unstable, temporary supports may need to be closer together. This approach is consistent with MSHA's experience in approving plans for removing permanent roof supports.

Paragraph (c)(2) of the proposal would require a temporary support installed in accordance with § 75.213 to be installed as close as practicable to each roof bolt prior to its removal. This proposed requirement is consistent with the prior rule.

Paragraph (d) addresses the removal of temporary supports installed in accordance with § 75.213. The proposal would prohibit the removal of temporary supports unless they are removed from a location under permanent supports that have not been disturbed. In addition, two rows of temporary supports would be required to be maintained between the miners and the supports being removed. This provision is consistent with the prior rule, except that the prior rule provided for temporary supports to be placed on 4-foot centers. MSHA's experience with criteria applied in roof control plans has been that installation of temporary supports on a maximum of

5-foot centers has provided effective protection for miners during the removal of temporary supports. However, the District Manager could require, through the plan approval process, that temporary supports be set closer together depending on particular mining conditions.

Paragraph (e) would specify that each entrance to an area where roof supports have been removed be posted with a readily visible warning or a physical barrier installed to impede travel into the area. The prior rule provided for a barricade to be installed when recovery is completed or suspended for more than 3 days. The purpose of this standard is to provide a warning to persons approaching an area where the roof is hazardous. The Agency believes that this can be accomplished by either a visible warning or a physical barrier.

Paragraph (f) outlines the conditions under which removal of permanent roof supports is prohibited. Removal would be prohibited where roof bolt torque or tension measurements or the condition of conventional roof supports indicate excessive loading, where roof fractures are present, where there is any other indication that the roof is structurally weak, or where pillar recovery has been conducted. In these areas, any disturbance of the roof support may trigger a roof fall.

An exception is recognized by the proposal which would allow the removal of conventional supports if the persons involved in such removal are in a remote location under supported roof. For example, conventional supports could be removed through the use of cables pulled from a safe distance. The removal of conventional supports is sometimes necessary to induce roof falls, thereby reducing roof pressures from over-riding into active workings. However, the standard would prohibit the removal of roof bolts where any of the four conditions listed above are encountered.

The proposed exception for conventional supports was not specifically recognized in the prior rule. However, in the context of the mine plan approval process, this practice has been permitted and proved to be an effective measure for the protection of miners.

Paragraph (g) specifies that the provisions of this section do not apply when removing conventional support for starting crosscuts and pillar splits or lifts. Removal of supports in these situations does not present the same hazards. In addition, these situations are addressed by 30 CFR 75.202(c) and are required to be addressed in the roof control plan. However, the standard would require that roof conditions be

determined before the supports are removed.

II. Executive Order 12291 and the Regulatory Flexibility Act

This proposed rule addresses two provisions published on January 27, 1988. MSHA has determined that the rule would not result in major cost increases nor have an incremental effect of \$100 million or more on the economy. The Agency also determined that the proposed rule will not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

III. Paperwork Reduction Act

There are no information collection requirements contained in this proposal.

List of Subjects in 30 CFR Part 75

Mine safety and health, Underground mining, Roof, Face and rib support.

Dated: August 25, 1989.

David C. O'Neal,
Assistant Secretary for Mine Safety and Health.

Therefore, part 75, subchapter O, chapter I, title 30 of the Code of Federal Regulations is proposed to be amended under 30 U.S.C. 811 as follows:

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation to 30 CFR part 75 continues to read as follows:

Authority: 30 U.S.C. 811, 957, and 961.

2. Section 75.204 (a) and (b) are revised to read as follows:

§ 75.204 Roof bolting.

(a) For roof bolts and accessories addressed in ASTM F432-88, "Standard Specification for Roof and Rock Bolts and Accessories", the mine operator shall—

(1) Obtain a manufacturer's certification that the material was manufactured and tested in accordance with the specifications of ASTM F432-88; and

(2) Make this certification available to an authorized representative of the Secretary.

(b) Roof bolts and accessories not addressed in ASTM F432-88 may be used, provided that the use of such materials is approved by the District Manager based on—

(1) Demonstrations which show that the materials have successfully supported the roof in an area of a coal mine with similar strata, opening dimensions and roof stresses; or

(2) Tests that show the materials to be effective for supporting the roof in an area of the affected mine that has strata, opening dimensions and roof stresses similar to the area where the roof bolts are to be used. During the test process, access to the test area shall be limited to persons necessary to conduct the test.

* * * * *

3. Section 75.213 is revised to read as follows:

§ 75.213 Roof support removal.

(a)(1) All persons who perform the work of removing permanent roof supports shall be experienced in this work, or they shall be supervised by a person experienced in removing roof supports who is designated by the mine operator.

(2) Only persons with at least one year of underground mining experience shall perform permanent roof support removal work.

(b) Prior to the removal of permanent roof supports, a person designated by the mine operator shall examine the roof conditions in the area where the supports are to be removed and designate each support to be removed.

(c)(1) Prior to the removal of permanent supports, a row of temporary supports on no more than 5-foot centers or equivalent support shall be installed across the opening within 4 feet of the supports being removed. Additional supports shall be installed where necessary to assure safe removal.

(2) Prior to the removal of roof bolts, temporary support shall be installed as close as practicable to each roof bolt being removed.

(d) Temporary supports installed in accordance with this section shall not be removed unless—

(1) Removal is done remotely from under roof where the permanent supports have not been disturbed; and

(2) At least two rows of temporary supports, set across the opening on no more than 5-foot centers, are maintained between the miners and the unsupported area.

(e) Each entrance to an area where supports have been removed shall be posted with a readily visible warning or a physical barrier shall be installed to impede travel into the area.

(f) Except when conventional supports are removed by persons who are in a remote location under supported roof, permanent support shall not be removed where—

(1) Roof bolt torque or tension measurements or the condition of conventional support indicate excessive loading;

(2) Roof fractures are present;

(3) There is any other indication that the roof is structurally weak; or

(4) Pillar recovery has been conducted.

(g) Except for paragraph (b) of this section, the provisions of this section do not apply to removal of conventional supports for starting crosscuts and pillar splits or lifts.

[FR Doc. 89-20463 Filed 8-30-89; 8:45 am]

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United States Federal Register

Thursday
August 31, 1989

Part IV

Department of Agriculture

Animal and Plant Health Inspection
Service

9 CFR Parts 1, 2, and 3
Animal Welfare; Final Rules

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 1

[Docket No 89-130]

RIN 0579-AA18

Animal Welfare; Definition of Terms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending part 1 of the Animal Welfare Act regulations in order to update, clarify, and expand the list of definitions of terms used in parts 2 and 3 of the regulations. These changes are necessary to assist the public in complying with the Animal Welfare regulations and to facilitate enforcement. Many of these changes are required by the amendments to the Animal Welfare Act (7 U.S.C. 2131, *et seq.*), enacted on December 23, 1985, and complement the final rule amending part 2 of the regulations. They also complement the standards set forth in part 3 of the regulations.

DATES: This final rule shall become effective October 30, 1989; however, the portions of the rule which concern or relate to information collection and recordkeeping will become effective October 30, 1989, upon approval by the Office of Management and Budget (OMB). The information collection requirements of this final rule have been submitted to OMB for review and approval. The Department has requested that OMB conclude its review no later than October 30, 1989. If any portion is disapproved, notice of disapproval will be published in the Federal Register prior to that date.

FOR FURTHER INFORMATION CONTACT: Dr. Dale F. Schwindaman, REAC, APHIS, USDA, Room 206, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6491.

SUPPLEMENTARY INFORMATION:**Background**

This final rule amends 9 CFR part 1, entitled "Definition of Terms" which provides the definitions for the terms used in the regulations in 9 CFR part 2, and the standards in 9 CFR part 3 for the humane handling, care, treatment, and transportation of regulated animals used for research or exhibition purposes, sold as pets, or transported in commerce. The Definitions, Regulations, and Standards (the regulations) are established pursuant to the authority in the Animal Welfare Act, as amended (7 U.S.C. 2131,

et seq.) (the Act). This law requires the Secretary to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, carriers, and intermediate handlers. The standards and regulations must include minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other matters specified in section 13 of the Act (7 U.S.C. 2143). The definitions contained in this final rule provide specific meanings for many important terms used in the regulations and standards.

Proposed Rules

In two documents published in the Federal Register, on March 31, 1987 (52 FR 10292-10298 and 52 FR 10298-10322, respectively), we proposed to revise parts 1 and 2 of the Animal Welfare regulations to comply with the 1985 amendments to the Act, and to expand, clarify, and revise the current regulations. At that time, we did not publish a proposed rule to amend the standards set forth in part 3 of the regulations.

We solicited comments concerning the proposals for a 60-day period ending June 1, 1987. The comment period was twice extended and ended on August 27, 1987. A total of 7,857 comments were timely received and considered. Many of the comments we received stated that it was difficult to comment upon the proposals to amend parts 1 and 2 of the regulations independently of our proposal to amend the standards in part 3. We have maintained that upon their publication as final rules, parts 1 and 2 of the regulations can be fully implemented with the existing standards in part 3. In response to the comments, we decided to respond to the points raised by the commenters, and to publish revised proposals to amend parts 1 and 2 along with our proposed rule to amend part 3, to assist the public in reviewing the proposed standards in part 3 and to afford the public an opportunity to comment on the interrelationship of the definitions and regulations in parts 1 and 2 with the proposed standards in part 3. Accordingly, on March 15, 1989, we published in the Federal Register three documents: Docket no. 88-013, a proposed rule to amend part 1—"Definition of Terms," (54 FR 10822-10835); docket no. 88-014, a proposed rule to amend part 2—"Regulations," (54 FR 10835-10897); and docket no. 87-004, a proposed rule to amend subparts A through D of part 3—"Standards," (54 FR 10897-10954).

The revised proposals published in March, 1989, were prepared with the benefit of the public's comments and reflected our thinking at that time of how best to carry out our statutory mandate and animal welfare objectives. Throughout this rule-making process, however, we have continued our consideration of alternative means to implement the complex regulatory scheme required by the Animal Welfare Act, as amended, and addressed by the commenters in response to our initial proposal. To fully address these issues, we continued our consultation in accordance with the requirements of the Act (7 U.S.C. 2145), with the U.S. Department of Health and Human Services (HHS) and members of the Interagency Research Animal Committee (IRAC), a committee comprising representatives of Federal agencies concerned with animal welfare. Together, we explored and evaluated different means of accomplishing our regulatory objectives. This final rule reflects our consideration of the comments we received in response to our initial proposal and those addressing the interrelationship of the definitions in part 1 with the regulations proposed for part 2 and the standards proposed for part 3. It also reflects our consultation with other Federal agencies. We believe parts 1 and 2 can now be readily implemented while we continue to review the public's comments and consider alternatives concerning the standards that should be included in part 3.

Public Comments

The revised proposal published March 15, 1989, solicited comments on the narrow issue of the interrelationship of the definitions and regulations in parts 1 and 2 of 9 CFR, chapter 1, subchapter A, with the standards we proposed in part 3, for the reasons explained above. Comments were solicited for a 60-day period, ending May 15, 1989. Comments that were postmarked or received by that date were considered in preparing this final rule. We solicited comments on the standards of part 3 for a 120-day period, ending July 13, 1989. Comments that were not timely for consideration in preparing final rules for parts 1 and 2 will be considered if they address the proposed standards or the regulations in general.

We received 5,582 comments that were timely for consideration in preparing final rules for parts 1 and 2. Many comments concerned the Animal Welfare regulations generally or conceptually. We considered those comments in preparing the final rules

because they address the Department's regulatory approach as a unit, and thereby implicate the interrelationship of parts 1, 2, and 3. Our response to those comments is set forth in the supplementary information accompanying the final rule to amend part 2, docket no. 89-131, published elsewhere in this issue of the *Federal Register*.

On the basis of the comments we received and our consultation with HHS and members of the IRAC, we determined that certain changes to the revised proposal are necessary and that certain terms should be added to clarify parts 2 and 3 of the regulations. Certain changes are also necessary to conform part 1 with the revisions we are making in the final rule to amend part 2 (see docket no. 89-131, published elsewhere in this issue of the *Federal Register*). We discuss below, in alphabetical order, each of the terms that is revised, replaced, or added as a result of the comments we received and our consultation with HHS and members of the IRAC. We also discuss those comments we received addressing the interrelationship of terms contained in part 1 with the proposals to amend parts 2 and 3 for which we have determined that no revision of the final rule is necessary. Comments addressing the interrelationship of the revised proposal to amend part 2—"Regulations" with the proposed standards in part 3 are addressed in companion docket no. 89-131, published elsewhere in this issue of the *Federal Register*. Comments on the regulatory impact analysis and the regulatory flexibility analysis prepared by the Department in accordance with Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), respectively, are also addressed in that document.

General

We received 480 comments (478 from members of the general public and 2 from members of the research or scientific community) expressing general support for the revised proposals to amend parts 1 and 2 and stating that the definitions in part 1 apply appropriately to part 3.

We are making two changes in the final rule for part 1 to reflect an internal agency reorganization within the Animal and Plant Health Inspection Service (APHIS) which created the Regulatory Enforcement and Animal Care organization unit (REAC). REAC is charged with responsibility for administering and enforcing the Animal Welfare Act and regulations for APHIS. Accordingly, the term "Deputy Administrator" is revised to mean "the

Deputy Administrator for Regulatory Enforcement and Animal Care (REAC) or any other official to whom authority has been delegated to act in his stead." The term "Area Veterinarian in Charge" is replaced with "APHIS, REAC Sector Supervisor", however, the definition remains unchanged in the regulations. This change in designation reflects the Agency's internal reorganization and is nonsubstantive.

Animal; Exotic Animal; Wild Animal

Fifteen commenters (9 members of the general public and 6 members of the research or scientific community) stated that all animals should be regulated under the Act, including rats and mice, and 6 members of the research or scientific community commented that rats and mice should not be excluded from the regulations. In contrast, 10 members of the research or scientific community stated that all rodents should be excluded from the regulations.

As we stated in the supplementary information accompanying the revised proposal, we do have the authority to regulate rats and mice, though we have never included laboratory-bred rats and mice in the regulations (54 FR 10823). Wild rats and mice are covered by the regulations. We received numerous comments in response to the March 1987 proposal suggesting that we include rats and mice, and we are considering doing so. Development of regulations and standards applicable to rats and mice would be a lengthy endeavor, and we do not believe it is appropriate to delay promulgation of these final rules while we proceed with our consideration of this issue.

The statutory definition of "animal" specifically includes guinea pigs and hamsters, and we do not have the authority to remove these rodents from the regulations (7 U.S.C. 2132(g)). In order to clarify that rats and mice are the only rodents not covered by the regulations, we are revising the definition of "animal" in the final rule by specifying that the term excludes rats of the genus *Rattus* and mice of the genus *Mus* that have been bred for use in research. Rodents of other genera, such as kangaroo rats, are included within the definition.

We received 241 comments (67 from members of the general public, 172 from members of the research or scientific community, and 2 from dealers) requesting that we clarify when farm animals are covered by the regulations. One member of the general public and 3 members of the research or scientific community commented that the existing standards of 9 CFR part 3, subpart F, "Specifications for the Humane

Handling, Care, Treatment and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals," should be applied to farm animals used or bred for biomedical research. In accordance with the Act, we have the authority to regulate farm animals when used for biomedical research and testing purposes. We do not have the authority to regulate farm animals under the Animal Welfare regulations when used or intended for use as food or fiber, or when used or intended for use in agricultural research, such as, improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber (7 U.S.C. 2132(g)). We are considering exercising our authority to enforce the regulations with respect to farm animals. If we determine to pursue this matter further, we will publish an advance notice of proposed rulemaking in the *Federal Register* soliciting public comments on whether the Agency should exercise this authority, and if so, what regulations and standards should apply.

Four members of the research or scientific community requested clarification as to whether the term "animal" includes free-living wild animals that are used in research. As set forth in the revised proposal, the term "animal" includes any warmblooded animal, other than those specifically excepted, that is being used, or is intended for use for research, teaching, testing, or experimentation (54 FR 10823-10824). Under the final rule amending part 2 (docket no. 89-131, published elsewhere in this issue of the *Federal Register*), research involving animals that are studied in their natural habitat without any invasive procedure and without harming or materially altering their behavior, is exempt from the Committee review and inspection requirements of 9 CFR part 2, subpart C.

One exhibitor opposed breaking down non-domestic animals into "wild animals" and "exotic animals". Both wild and exotic animals, as defined in the revised proposal, are covered by the regulations. We are including definitions of wild animals and exotic animals in the final rule to make it clear that certain exotic animals, now considered by many people to be domestic animals, are covered by the regulations. We are not revising these terms on the basis of this comment.

We received 236 comments (66 from members of the general public, 168 from members of the research or scientific community, and 2 from dealers)

expressing agreement with the definition of "exotic animal" as set forth in the revised proposal. We had revised the definition from that initially proposed to exclude those animals specifically included in the definition of "animal", in response to the numerous comments we received. One member of the research or scientific community objected that the revised definition conflicts with the term "animal" when an exotic animal is used for exhibition purposes. The term "exotic animal", as well as "wild animal", is included in the regulations to make clear that all warmblooded animals (other than those specifically excluded) are covered by the regulations when used for research, teaching, testing, experimentation, exhibition, or as a pet. When the Act was first enacted in 1966, the term "animal" was defined as meaning "live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits." In 1970, Congress amended the Act to include other warm-blooded animals. By defining "exotic animal" as any animal not identified in the definition of "animal" that is of foreign origin or not native to the United States, the regulations make clear that exotic animals are covered by the regulations in addition to dogs, cats, nonhuman primates, guinea pigs, hamsters, and rabbits. The definition of "exotic animal" excludes the animals specifically identified in the Act because many species of these animals are now commonly found in the United States. Though originally of foreign origin, they are not considered to be exotic.

Animal Care and Use Procedure

We received 237 comments (66 from members of the general public, 169 from members of the research or scientific community, and 2 from dealers) stating that there is no need for an animal care and use procedure, and therefore the term should be deleted. We added the term "animal care and use procedure" or "ACUP" in the revised proposal in lieu of "protocol" to avoid any misunderstanding or implication that APHIS intends to become involved in the evaluation of the design, outlines, guidelines, and scientific merit of proposed research. The term "animal care and use procedure" was selected because it is descriptive of the areas with which we are concerned under the regulations, namely, how the research will treat or affect an animal, the condition of an animal, and the circumstances under which an animal is maintained.

As we describe in greater detail in the final rule to amend part 2 (docket no. 89-131, published elsewhere in this issue

of the Federal Register), we have made certain changes in the regulations affecting research facilities in order to harmonize our requirements with those of the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy), wherever it is consistent with our statutory mandate to do so. As part of our harmonization efforts, we are replacing the term "animal care and use procedure" with the PHS Policy term, "activity." The term "activity" is defined to mean "those elements of research, testing, or teaching procedures that involve that care and use of animals." We consider this to be a nonsubstantive change.

Attending Veterinarian

Under the revised proposal, the term "attending veterinarian" would mean "a person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education, or has a certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, or has received equivalent formal education as determined by the Administrator; has received training and/or experience in the care and management of the species being attended; and who has direct or delegated authority for activities involving animals at a facility subject to the jurisdiction of the Secretary."

Two members of the research or scientific community objected to the requirement that the attending veterinarian have formal education in veterinary medicine. Rather, they felt that requiring equivalent formal education would be sufficient. We disagree with the commenters. Training in the sciences generally, or in medical or biological areas, would not ensure sufficient knowledge in the health, well-being, and care of animals. Veterinary medicine involves specialized knowledge and expertise that would not otherwise be acquired through non-veterinary training and education. Furthermore, we do not believe it would be practical for the Administrator to determine, on a case-by-case basis, whether someone is qualified to function as a veterinarian. Therefore, we are not making any change to this requirement in the final rule. The Administrator will consider equivalent formal education in veterinary medicine, as set forth in the revised proposal, so as not to exclude those graduates of foreign veterinary programs who do not have a certificate from the AVMA's Education Commission for Foreign Veterinary Graduates (see 54 FR 10824-10825).

We received 55 comments (5 from members of the general public, 14 from members of the research or scientific community, 2 from exhibitors, and 34 from dealers) stating that the requirement that the attending veterinarian have experience in the care and management of the species being attended would limit the pool of qualified veterinarians, and that experience with similar species should be sufficient. We disagree for the reasons set forth in the supplementary information accompanying the revised proposal (54 FR 10825). It is not our objective to severely limit the number of veterinarians who would be qualified to serve as attending veterinarians, and we do not believe that requiring some degree of familiarity with the animal being attended will do so. We proposed this requirement because different species have different requirements and needs that must be fulfilled in order to promote their health and well-being. For these reasons, we require that the attending veterinarian have training or experience in the care and management of the different species of animals being attended.

Two hundred fifty-five commenters (70 members of the general public, 183 members of the research or scientific community, and 2 dealers) objected to the requirement that attending veterinarians be responsible for "activities involving animals", as set forth in the revised proposal, rather than just the health of the animals. Under these regulations, the attending veterinarian is responsible for overseeing the care and use of animals and for ensuring that adequate veterinary care is provided. These responsibilities extend beyond the general health of an animal. They include personnel training and guidance in animal care matters, such as proper use of pain-relieving drugs, adequate pre-procedural and post-procedural care, and animal behavior and well-being. We are making no changes to the definition of "attending veterinarian" on the basis of these comments.

Commerce

Thirty-eight commenters (1 member of the general public, 2 members of the research or scientific community, 2 exhibitors, and 33 dealers) objected to Federal regulation of intrastate commerce. Twenty-two commenters (2 exhibitors and 20 dealers) objected to considering gifts or donations of animals as affecting commerce, and therefore requiring that the recipient be licensed as an exhibitor. Under the definition of "exhibitor" in this final rule, any person

exhibiting any animals which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation is an exhibitor and must be licensed. The proposed definition of "commerce" is taken directly from the statute. Congress has defined "commerce" in the Act to mean "trade, traffic, transportation, or other commerce: (1) Between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; (2) which affects trade, traffic, transportation, or other commerce described in paragraph (1). * * * (7 U.S.C. 2132(c)). Animals received through donation or as a gift must be acquired and transported, and therefore, such gifts or donations affect commerce. The definition remains as proposed.

Committee

Two hundred thirty-six commenters stated that a research facility should be able to identify the Committee by whatever name it chooses. One member of the research or scientific community noted that the definition of "Committee" is appropriately addressed in part 2 and therefore need not be defined in part 1. As we stated in the supplementary information accompanying the revised proposal, we are not concerned with the name assigned to the Committee by a research facility. Rather, we are concerned that each research facility establish an administrative body in accordance with the definition of "Committee", as set forth in part 1, that is authorized to carry out the duties and responsibilities assigned to it under the Act and the regulations. We refer to this body as the Institutional Animal Care and Use Committee to describe its areas of concern and for consistency with the PHS Policy, which similarly requires establishment of an Institutional Animal Care and Use Committee. The PHS Policy also notes that the term, Institutional Animal Care and Use Committee, is intended as a generic term for a committee whose function is to ensure appropriate and humane animal care and use. We are not making any changes in the final rule on the basis of the comments. We are making a change to allow a Doctor of Veterinary Medicine (DVM) to serve on the Committee instead of the attending veterinarian, if the research facility has more than one DVM, in accordance with the final rule to amend part 2 (*see* docket no. 89-131, published elsewhere in this issue of the Federal Register).

Euthanasia

We are revising the definition of "euthanasia" based upon the comments we received and our ongoing discussions with members of the IRAC. In the revised proposal, the term "euthanasia" was defined as "the humane destruction of an animal accomplished by a method which produces instantaneous unconsciousness and immediate death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent which causes painless loss of consciousness and subsequent death." Thirty-five commenters (1 member of the general public, 7 members of the research or scientific community, 2 exhibitors, and 25 dealers) requested clarification of the word "immediate" as it appears in the proposed definition. Twenty-nine members of the research or scientific community stated that the definition should be consistent with the recommendations of the American Veterinary Medical Association Panel on Euthanasia. Two commenters (1 member of the general public and 1 member of the research or scientific community) suggested that the term be defined as "a quiet painless death", and 255 commenters (70 members of the general public, 183 members of the research or scientific community, and 2 dealers) suggested that the term be defined as "the humane destruction of an animal accomplished by a method which produces unconsciousness and death without evidence of pain or distress or a method that utilizes anesthesia produced by an agent which causes painless loss of consciousness and subsequent death." One commenter from the general public and 3 members of the research or scientific community suggested using the word "killed" in place of "destruction" in the definition.

Based upon these comments and our consultation with IRAC members, we have determined that the proposed definition of "euthanasia" is unnecessarily restrictive. Methods of euthanizing animals exist which induce rapidly occurring unconsciousness followed by subsequent death without evidence of pain or distress. The report of the AVMA Panel on Euthanasia lists numerous methods which, based upon information the Panel deems reliable, may be considered painless. We are therefore revising the definition to mean the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent

that causes painless loss of consciousness and subsequent death. Methods of euthanasia that are consistent with this definition may be used. We believe that the definition as revised in the final rule fully addresses the commenters' concerns.

Housing Facility

The definition of "housing facility" in the revised proposal remained as originally proposed and has prompted concern among the commenters and members of the IRAC. The proposed definition would include any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals. Members of the IRAC stated that the proposed definition would be difficult to apply in field settings where animals are studied in their natural habitat. The National Science Foundation, a Federal agency that funds research conducted in field settings, expressed concern that it would not be feasible for research facilities to comply with many of the standards proposed in part 3 for housing facilities in such environments. In addition, 238 commenters (66 members of the general public, 170 members of the research or scientific community, and 2 dealers) requested clarification as to whether native habitats of free-living animals would be covered by the definition. Four members of the research or scientific community suggested that the definition be revised to exclude all field study sites where animals are not restrained for more than 12 hours before being released. Five members of the research or scientific community suggested that the definition exclude areas where animals are held for less than 24 hours. We also received four comments from the research or scientific community which stated that the proposed definition should be revised to clearly include all animal study areas. Two commenters, also from the research or scientific community, stated that animal study areas should only include survival surgery areas.

Upon further consideration of these suggestions, and for the reasons set forth in the supplementary information accompanying the final rule to amend part 2 (docket no. 89-131, published elsewhere in this issue of the Federal Register) we agree that a distinction should be made between research that is conducted under captive conditions and that which is conducted in the wild. A further distinction must also be made between studies conducted in the field on the basis of whether or not it involves an invasive procedure or change in the animals' behavior as part

of the study. The final rules differentiate between studies of animals in their natural habitat which involve an invasive procedure, such as implanting a transponder, or which harm or alter the behavior of the animals, and field studies. Field studies are defined in this final rule to mean "any study conducted on free-living wild animals in their natural habitat, which does not involve an invasive procedure, and which does not harm or materially alter the behavior of the animals under study." Wildlife census studies and purely behavioral studies would be within the definition. Under part 2, subpart C of the final rule, field studies are exempt from Committee review and inspection.

Under § 2.31(c)(2) of the final rule, Committee inspection of a research facility's animal facilities as an agent of the research facility, including animal study areas, may not include animal areas involving free-living wild animals in their natural habitat. Such studies and areas must be maintained in compliance with the Animal Welfare regulations and standards, however.

We are also adding a definition of the term "study area" in response to the comments we received and to conform part 1 with the revised regulations set forth in the final rule to amend part 2. The term is defined as "any building, room, area, enclosure, or other containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 12 hours." A study area is a type of housing facility. "Satellite facilities" under the PHS Policy are study areas, as that term is defined in this final rule. It also includes buildings or temporary structures set up at field sites where animals are maintained for more than 12 hours. We are not limiting the term to areas where survival surgery is conducted, contrary to the suggestion of two commenters, since the need to ensure animal welfare is not limited to surgical procedures.

Indoor Housing Facility

We received 236 comments (66 from members of the general public, 168 from members of the research or scientific community, and 2 from dealers) stating that the proposed requirement that an indoor housing facility be capable of maintaining humidity levels between 30 to 70 percent should be removed. Three commenters (1 member of the general public and 2 members of the research or scientific community) stated that the humidity control requirement should be clarified, and 1 member of the general public and 3 members of the research or scientific community stated that the humidity range provided in the

definition should be revised to be between 40–60 percent.

Based upon our experience in administering the Act and the regulations, we believe an indoor housing facility must be capable of controlling the environment, including the temperature and humidity level, in which an animal is maintained in order to promote its health and well-being. The humidity level provided in the definition is consistent with the NIH Guide for the Care and Use of Laboratory Animals, and is appropriate for most warm-blooded animals. We believe this to be a reasonable requirement to impose upon persons who maintain animals in indoor housing facilities and that it is necessary for the welfare of the animals.

Institutional Official

We are adding a definition of the term "institutional official." In our revised proposal, we referred to the Chief Executive Officer of a research facility or a responsible institutional official with authority to bind the facility. We are replacing these terms with the single term "institutional official" in the final rule to amend part 2, to simplify the regulations and to make them consistent with the terminology used in the PHS Policy. We consider this to be a nonsubstantive change. Neither of the terms used in the revised proposal were defined in our proposals to amend part 1. We are adding a definition to facilitate understanding and compliance with the regulations. Under the final rule, "institutional official" means the individual at a research facility who is authorized to legally commit on behalf of the research facility that the requirements of 9 CFR parts 1, 2, and 3 will be met.

Isolation

Two members of the research or scientific community commented that the proposed definition of "isolation" would not be appropriate for open-sea floating pens for marine mammals. Use of such pens is generally not appropriate for the temporary isolation of marine mammals under part 3, subpart E for purposes of medical treatment or training. No change is made in the regulations on the basis of this comment.

Major Operative Experiment

We received 269 comments (74 from members of the general public, 193 from members of the research or scientific community, and 2 from dealers) objecting to the proposed definition of the term, "major operative experiment." The 1985 amendments to the Act

prohibit the use of an animal in more than one major operative experiment from which it is allowed to recover, except under certain limited circumstances (7 U.S.C. 2143(a)(3) (D) and (E)). We are broadening this prohibition in the final rule to amend part 2 to apply to any major operative procedure, since an experiment could encompass a vast number of procedures.

In the supplementary information accompanying the revised proposal, we stated that the potential for causing physical disability would be sufficient to consider an experiment to be within the proposed definition, and that we were not concerned with the intended effect of the principal investigator in performing the experiment. Upon further consideration of the comments we received, we have determined that determining whether a procedure is a major operative procedure can best be done retrospectively, rather than prospectively, and that doing so will satisfy the Act's prohibition against using the animal in a second major operative experiment. It is clear from a research proposal whether the research will involve surgical intervention that penetrates and exposes a body cavity. However, the permanent effects of a procedure can best be determined afterward. After a procedure is performed, the principal investigator and the Committee can determine whether it has produced a permanent impairment of the animal's physical or physiological functions. If it has, the animal cannot be used again for survival surgical purposes or for procedures generally considered to result in permanent impairment of the animal's functions. As four commenters stated, (1 member of the general public and 3 members of the research or scientific community) non-surgical procedures such as impact tests and severe burn studies are invasive and can result in permanent impairment. We are revising the definition in the final rule to mean "any surgical intervention that penetrates and exposes a body cavity or any procedure which produces permanent impairment of physical or physiological functions." The term "disability" is replaced in the definition with the term "impairment" to include any reduction in the animal's range or ability of functions.

Mobile or Traveling Housing Facility

Four commenters (1 member of the general public and 3 members of the research or scientific community) endorsed inclusion of an explicit definition of "mobile or traveling housing facility" in part 1. The

standards with which these facilities must comply when used to house dogs, cats, and nonhuman primates are contained in the proposal to amend part 3. (See docket no. 87-004, published in the Federal Register on March 15, 1989, 54 FR 10897-10954). We are considering comments on the proposed standards.

Outdoor Housing Facility

One dealer commented that the term "outdoor housing facility" should be revised to accommodate different types of outdoor primate housing enclosures and their temperature requirements. Specific housing facility requirements for nonhuman primates were proposed in docket no. 87-004, published in the Federal Register on March 15, 1989 for public comment (54 FR 10897-10954). Temperature requirements for indoor, outdoor, sheltered, and mobile housing facilities are addressed in that document. Some animals, such as dogs and cats can tolerate lower temperatures than nonhuman primates, and different species of nonhuman primates have different temperature requirements. Therefore, we do not believe it is appropriate to include specific requirements in the definition. Accordingly, no change is made in the final rule on the basis of this comment.

Painful Procedure

We received 240 comments (66 from members of the general public, 172 from members of the research or scientific community, and 2 from dealers) urging us to adopt the PHS Policy definition of a "painful procedure." As we stated in the supplementary information accompanying the revised proposal, the proposed definition is similar to and consistent with the PHS Policy, and we do not believe that any modification is needed.

Eleven commenters (2 members of the general public and 9 members of the research or scientific community) stated that the different species' perception of pain should be taken into consideration and that the attending veterinarian is qualified to determine whether a procedure should be considered painful. Under the Act, involvement by the attending veterinarian in planning a painful procedure is essential because of his or her expertise. To this extent, the commenters' view is incorporated in the regulations. One of the principal concerns of Congress underlying the 1985 amendments to the Act is the need to minimize pain and distress. In order to fulfill Congress's intent, we believe it is appropriate to define "painful procedure" in terms of human standards of pain, as does the PHS Policy, to ensure that all potentially painful

practices are accorded the protections of the Act, such as those set forth in sections 13(a)(3)(C) and 13(b)(3)(A). (7 U.S.C. 2143 (a)(3)(C) and 2143(b)(3)(A)). Four commenters (1 member of the general public and 3 members of the research or scientific community) endorsed using human standards of pain in defining the term.

Twenty-two members of the research or scientific community commented that when pain is relieved through anesthesia, a procedure should not be considered painful. The 1985 amendments to the Act refer repeatedly to the use of pain-relieving drugs and anesthetics in conducting painful procedures and practices (See, e.g., 7 U.S.C. 2143(a)(3)(C)(ii) and 2143(e)(3)(B)). Therefore, under the Act, a procedure in which pain is relieved is still considered to be a painful procedure, and the provisions of the Act which address the conduct of painful procedures apply. We are not adopting the commenters' suggestion.

Pet Animal

We received 19 comments (2 from members of the general public, 3 from members of the research or scientific community, 2 from exhibitors, and 13 from dealers) stating that the definition of "pet animal" should include wild and exotic animals when they are used or sold as pets. These are specifically excluded, as explained in the supplementary information accompanying the revised proposal (54 FR 10829). Congress has exempted retail pet stores from the definition of "dealer" unless they sell animals to a research facility (7 U.S.C. 2132(f)(2)(i)) and therefore, they are not required to be licensed under the Act. We believe that Congress intended to limit this exclusion from the licensing requirements of the Act, and that only animals commonly sold as pets can properly be considered pet animals. In this manner, dealers would not be able to avoid the licensing requirements of the regulations by calling themselves retail pet stores. Excluding wild and exotic animals from the definition of pet animal is consistent with the Act and the definition of "retail pet store" included in this final rule. Accordingly, retail pet stores that sell exotic animals must be licensed under 9 CFR part 2, subpart A. We are not making any change in the definition of pet animal on the basis of this comment.

Positive Physical Contact

One member of the general public and 5 members of the research or scientific community commented that "positive physical contact" should be redefined to mean contact which is beneficial to the

animal in the opinion of the attending veterinarian. We agree that attending veterinarians will be involved in assessing positive physical contact, as part of their responsibility for ensuring adequate veterinary care and providing for the animals' health and well-being. We are not making any changes to the definition in the final rule, however, so that all persons involved in the care and use of animals have a proper understanding of the term and their responsibilities under the regulations.

Primary Enclosure

Fourteen members of the research or scientific community stated that the term "primary enclosure" should be redefined to exclude any temporary enclosure used for less than 24 hours. We do not agree that it is appropriate to do so. Minimum requirements for the design, construction, and sanitation of primary enclosures and primary enclosures used for transporting animals are set forth in part 3 of the regulations. We are proposing to revise these requirements in accordance with the 1985 amendments to the Act and our experience in enforcing the Act. (See docket no. 87-004 published March 15, 1989, 54 FR 10897-10954). Based upon our experience, we believe that the same requirements are appropriate for any primary enclosure in which an animal is maintained, regardless of whether it is used on a short-term or long-term basis. Accordingly, we not making any changes in the definition of primary enclosure.

Principal Investigator

Four commenters from the research or scientific community suggested that the definition of "principal investigator" be revised to include proposed activities intended for use in teaching. Research conducted to instruct others is research nonetheless, and proposals to use animals in the course of teaching are the responsibility of the principal investigator. The proposed definition is consistent with the definition of research facility, which, in accordance with the Act, is defined to mean "any school * * * institution, organization, or person that uses or intends to use live animals in research, tests, or experiments * * *" (final rule § 1.1). There is no separate reference to teaching. We are making one change in the definition to include any person associated with the research facility because it is common practice for persons who are not employees to be involved in research activities at such facilities. For these reasons, we do not

believe that any change in the definition is necessary in the final rule.

Research Facility

Three commenters from the research or scientific community suggested revising the definition of "research facility" to mean, in the case of a corporation, any administrative unit reasonably designated by the corporation. We do not agree with the commenters proposed change. Under the registration requirements applicable to research facilities in the final rule, the corporation must register as the research facility, or a subsidiary of a corporation must register as the research facility unless it is under the direct control of the parent corporation. In developing the final rule to amend part 2 of the regulations (see docket no. 89-131, published elsewhere in this issue of the *Federal Register*), we determined that it is the responsibility of the research facility to ensure compliance with the regulations. We did so to ensure that animal welfare concerns are addressed at the highest level of corporate or administrative responsibility. In this manner, we are assured of an entity's commitment to promoting animal welfare and that it will take appropriate measures to require compliance by all employees. We do not consider it appropriate or advisable to reduce the level at which this responsibility rests.

Suggestions for Additional Definitions

A number of commenters stated that other terms used in the revised proposal to amend part 2 and the proposal to amend part 3 of the regulations, published in the *Federal Register* on March 15, 1989 (54 FR 10835-10897 and 10897-10954, respectively) should be defined for purposes of clarity. We do not believe it is necessary or appropriate to define these terms. In some cases, we believe it is sufficient to rely on ordinary usage and dictionary definitions. In others, we believe that the changes made to the regulations in the final rule to amend part 2 will resolve the commenters' concerns. (See docket no. 89-131, published elsewhere in this issue of the *Federal Register*). For the reasons set forth below, we are not adding any terms to the final rule to amend part 1 on the basis of these comments.

One dealer commented that the words "verbal abuse" in § 2.4 of the revised proposal, "Non-interference with APHIS officials" are not clearly defined. We believe that ordinary understanding of those words will suffice and that they need not be defined in the regulations.

One member of the general public stated that "survival surgery" as the term is used in part 2, should be defined. We believe that this term is commonly understood to mean any surgery from which the subject is reasonably expected to recover, and that no further definition is necessary.

One member of the research or scientific community suggested that we provide a definition of the term "natural environment" as used in § 2.35(b)(1)(iii) of the revised proposal to clarify whether outdoor environments altered by man would be considered natural environments. The final rule is revised to provide an exception from the requirement for Committee inspection for studies of free-living wild animals in their natural habitat (final rule § 2.31(c)(2)). We are also exempting field studies from the Committee review and inspection requirements of 9 CFR part 2, subpart C, and have defined that term to mean any study conducted on free-living wild animals in their natural habitat which does not involve an invasive procedure and which does not harm or materially alter the behavior of the animals. The term "natural habitat" necessarily excludes human intervention, and we do not believe further clarification is required.

We received 241 comments (67 from members of the general public, 172 from members of the research or scientific community, and 2 from dealers) suggesting that we provide a definition of the term "animal area" as used in the revised proposal to amend part 2 (docket no. 88-014, published in the *Federal Register* on March 15, 1989, 54 FR 10835-10897). The revisions made in the final rule obviate the need to define the term. The term "animal area" is used in the final regulations only with regard to free-living wild animals living in their natural habitat. We believe that common understanding of the term when used in this context is sufficient, and that further clarification is unnecessary.

Eight commenters (1 member of the general public, 4 members of the research or scientific community, and 3 dealers) stated that we should include a definition of the term "compatible group". It is used in the proposed rule to amend part 3—"Standards" in describing the social grouping requirements proposed for dogs, cats, and nonhuman primates (docket no. 87-004, published in the *Federal Register* on March 15, 1989, 54 FR 10897-10954). We believe that this term is commonly understood to refer to animals that co-exist peaceably and with a sense of well-being, without exhibiting

aggressive or hostile behavior towards the other animals. Certain species behave hostilely towards others, or exhibit aggressive behavior which would be detrimental to the other animals. Within species, some animals may exhibit this type of behavior and would be a source of harmful stress to fellow members of the same species. These animals would not be considered compatible. We believe that the common understanding of this term is appropriate when applied to the proposed standards and that further definition is not necessary. We are not making any changes in the regulations on the basis of these comments.

Seven commenters (2 members of the general public, 4 members of the research or scientific community, and 1 dealer) requested that we define "full-spectrum lighting". Under the proposed rule to amend part 3—"Standards", full-spectrum lighting is required if artificial light is used to illuminate indoor, sheltered, and mobile housing facilities used to house nonhuman primates, and indoor and mobile housing facilities used to house dogs and cats (docket no. 87-004, published in the *Federal Register* on March 15, 1989, 54 FR 10897-10954). Under this proposed requirement, if artificial lighting is used it must provide a wide range of wavelengths, such as infra-red and ultraviolet, so that it approximates natural sunlight. We do not believe that further clarification is necessary while we consider the comments received and develop regulations addressing the lighting requirements to be included in part 3.

We received 238 comments (68 from members of the general public, 168 from members of the research or scientific community, and 2 from dealers) stating that the terms "exercise" for dogs and "psychological well-being" of nonhuman primates must be defined in the final rules before research facilities can develop procedures and systems which satisfy the regulations. Two members of the general public and 1 member of the research or scientific community stated that "socialization" of dogs should be defined in part 1, and 44 commenters (3 members of the general public, 40 members of the research or scientific community, and 1 dealer) stated that "psychological well-being" of nonhuman primates should be defined. Requirements for exercise for dogs and for an environment that is adequate to promote the psychological well-being of nonhuman primates are statutorily mandated by the 1985 amendments to the Act. Congress directed the Secretary of Agriculture to promulgate minimum requirements that would fulfill these

needs. We proposed minimum requirements in docket no. 87-004, published in the *Federal Register* on March 15, 1989, 54 FR 10897-10954, based upon our own expertise and the recommendations of advisory committees that we formed to address the Congressional directives. We are considering the comments we received concerning the proposal and are continuing to consult with HHS and members of the IRAC in formulating means of fulfilling our objectives. Through these efforts, we are re-evaluating our proposal and are continuing to explore alternative regulatory solutions that satisfy our mandate from Congress. We do not believe that it is necessary to provide definitions of these terms. Rather, by developing appropriate standards, we believe that upon promulgation of a final rule to amend part 3, all regulated entities will have adequate guidance in complying with the Act. Accordingly, we are not making any changes in the regulations on the basis of these comments.

One dealer suggested that we define "quarantine period" as it is used in the proposal to amend part 3—"Standards", subpart D, as any isolation period imposed by Federal, State, or local laws. The commenter further stated that the appropriate quarantine period for newly-imported nonhuman primates should be 90-120 days, subject to extension at the direction of the attending veterinarian. Quarantine requirements are imposed by Federal, State, and local law, as noted in the proposed regulations (proposed § 3.80(c)(2)(v)(A)). Further definition of the term "quarantine period" is therefore unwarranted.

Another dealer suggested that we define "quarantine" as it relates to cage size and exercise requirements for nonhuman primates that are caught in the wild and those that are bred in captivity. Cage size requirements for animals maintained under quarantine by dealers are set forth in the proposed rules (proposed § 3.80(c)(2)(v)(A)), and there is no requirement in the proposed regulations for release by dealers of quarantined animals for exercise. We do not believe that defining the term "quarantine" is necessary.

Statutory Authority for This Proposed Rule

This final rule is issued pursuant to the Animal Welfare Act (Act), as amended, 7 U.S.C. 2131-2157. Congress recently added significantly to the Secretary's responsibilities under the Act by amendments in the Food Security Act of 1985, Public Law No. 99-198,

approved December 23, 1985. The declared policy of the Act is to ensure that animals intended for use in research facilities, as pets, or for exhibition purposes are provided humane care and treatment; to assure the humane treatment of animals during transportation; and to prevent the sale of stolen animals.

The Act mandates that the Secretary of Agriculture promulgate regulations and standards to govern the humane handling, care, treatment, and transportation of animals by dealers, exhibitors, research facilities, carriers, and intermediate handlers. To accomplish this, the Secretary must define certain key words used in the regulations and standards so that persons subject to the Act, regulations, and standards can comply with their requirements.

The Act itself defines some of the terms which appear in this rule. The Act also authorizes the Secretary to promulgate such rules, including additional definitions, as he deems necessary to effectuate the purposes of the Act.

Executive Order 12291 and Regulatory Flexibility Act

This final rule contains new and revised definitions of terms that complement regulatory changes for parts 2 and 3 of the Animal Welfare Regulations. The general intent is to update, clarify, and expand the list of relevant definitions as required by the amendments to the Act. The Department has determined that no economic impacts would result from this action. Therefore, this final rule is not a "major rule" for the purposes of Executive Order 12291, under the criteria therein. In addition, the Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. It is anticipated that the economic impacts would result from final rules for part 2, "Animal Welfare Regulations," and part 3, "Standards." The regulatory impact analysis for part 2 of the regulations is included in the final rule for part 2, "Animal Welfare Regulations."

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V).

Paperwork Reduction Act

The information collection and recordkeeping provisions that are included in the final rules amending 9 CFR parts 1 and 2 have been submitted for approval to the Office of Management and Budget (OMB), in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) under control number 0579-0036, and upon approval, will become effective upon October 30, 1989. The Department has requested that OMB conclude its review no later than October 30, 1989.

The public reporting burden for this collection of information is estimated to average 0.96 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The public recordkeeping burden is estimated to average 4.0 annual hours per recordkeeper.

Send written comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Agriculture, Clearance Officer, OIRM, Room 404W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB Control No. 0579-0036), Washington, DC 20503.

List of Subjects in 9 CFR Part 1

Animal welfare, Animal housing, Dealers, Exhibitors, Research facilities, Humane animal handling.

We are amending 9 CFR part 1 as follows:

PART 1—DEFINITION OF TERMS

1. The authority citation for Part 1 is revised to read as follows:

Authority: 7 U.S.C. 2131-2157; 7 CFR 2.17, 2.51, and 371.2(g).

2. Section 1.1 is revised to read as follows:

§ 1.1 Definitions.

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also signify the plural and the masculine form shall also signify the feminine. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

Act means the Act of August 24, 1966 (Pub. L. 89-544), (commonly known as the Laboratory Animal Welfare Act), as amended by the Act of December 24, 1970 (Pub. L. 91-579), (the Animal Welfare Act of 1970), the Act of April 22, 1976 (Pub. L. 94-279), (the Animal Welfare Act of 1976), and the Act of December 23, 1985 (Pub. L. 99-198), (the Food Security Act of 1985), and as it may be subsequently amended.

Activity means, for purposes of part 2, subpart C of this subchapter, those elements of research, testing, or teaching procedures that involve the care and use of animals.

Administrative unit means the organizational or management unit at the departmental level of a research facility.

Administrator means the Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other official of the Animal and Plant Health Inspection Service to whom authority has been delegated to act in his stead.

Ambient temperature means the air temperature surrounding the animal.

Animal means any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warmblooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes: Birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes.

Animal act means any performance of animals where such animals are trained to perform some behavior or action or are part of a show, performance, or exhibition.

APHIS means the Animal and Plant Health Inspection Service, United States Department of Agriculture.

APHIS official means any person employed by the Department who is authorized to perform a function under the Act and the regulations in 9 CFR parts 1, 2, and 3.

APHIS, REAC Sector Supervisor means a veterinarian or his designee, employed by APHIS, who is assigned by the Administrator to supervise and perform the official work of APHIS in a given State or States. As used in part 2 of this subchapter, the APHIS, REAC

Sector Supervisor shall be deemed to be the person in charge of the official work of APHIS in the State in which the dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale has his principal place of business.

Attending veterinarian means a person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education, or has a certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, or has received equivalent formal education as determined by the Administrator; has received training and/or experience in the care and management of the species being attended; and who has direct or delegated authority for activities involving animals at a facility subject to the jurisdiction of the Secretary.

Business hours means a reasonable number of hours between 7 a.m. and 7 p.m., Monday through Friday, except for legal Federal holidays, each week of the year, during which inspections by APHIS may be made.

Business year means the 12-month period during which business is conducted, and may be either on a calendar or fiscal-year basis.

Carrier means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire.

Cat means any live or dead cat (*Felis catus*) or any cat-hybrid cross.

Class "A" licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.

Class "B" licensee means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§ 1.1), and whose business includes the purchase and/or resale of any animal. This term includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce. Such individuals do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities. A class "B" licensee may also exhibit animals as a minor part of the business.

Class "C" licensee (exhibitor) means a person subject to the licensing requirements under part 2 and meeting the definition of an "exhibitor" (§ 1.1), and whose business involves the showing or displaying of animals to the public. A class "C" licensee may buy and sell animals as a minor part of the business in order to maintain or add to his animal collection.

Commerce means trade, traffic, transportation, or other commerce:

(1) Between a place in a State and any place outside of such State, including any foreign country, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; or

(2) Which affects the commerce described in this part.

Committee means the Institutional Animal Care and Use Committee (IACUC) established under section 13(b) of the Act. It shall consist of at least three (3) members, one of whom is the attending veterinarian of the research facility and one of whom is not affiliated in any way with the facility other than as a member of the committee, however, if the research facility has more than one Doctor of Veterinary Medicine (DVM), another DVM with delegated program responsibility may serve. The research facility shall establish the Committee for the purpose of evaluating the care, treatment, housing, and use of animals, and for certifying compliance with the Act by the research facility.

Dealer means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: Any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or any dog for hunting, security, or breeding purposes. This term does not include: A retail pet store, as defined in this section, unless such store sells any animals to a research facility, an exhibitor, or a dealer (wholesale); or any person who does not sell, or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals other than wild or exotic animals, dogs, or cats, during any calendar year.

Department means the U.S. Department of Agriculture.

Deputy Administrator means the Deputy Administrator for Regulatory Enforcement and Animal Care (REAC) or any other official of REAC to whom

authority has been delegated to act in his stead.

Dog means any live or dead dog (*Canis familiaris*) or any dog-hybrid cross.

Dwarf hamster means any species of hamster such as the Chinese and Armenian species whose adult body size is substantially less than that attained by the Syrian or Golden species of hamsters.

Endangered species means those species defined in the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and as it may be subsequently amended.

Euthanasia means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death.

Exhibitor means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary. This term includes carnivals, circuses, animal acts, zoos, and educational exhibits, exhibiting such animals whether operated for profit or not. This term excludes retail pet stores, horse and dog races, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows and any other fairs or exhibitions intended to advance agricultural arts and sciences as may be determined by the Secretary.

Exotic animal means any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

Farm animal means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals

such as horses and llamas when used solely as work and pack animals.

Federal agency means an Executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing involving the use of animals.

Federal award means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are used to support the conduct of research, experimentation, or testing, involving the use of animals. The permit system established under the authorities of the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act, are not considered to be Federal awards under the Animal Welfare Act.

Federal research facility means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.

Field study means any study conducted on free-living wild animals in their natural habitat, which does not involve an invasive procedure, and which does not harm or materially alter the behavior of the animals under study.

Handling means petting, feeding, watering, cleaning, manipulating, loading, crating, shifting, transferring, immobilizing, restraining, treating, training, working and moving, or any similar activity with respect to any animal.

Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

Hybrid cross means an animal resulting from the crossbreeding between two different species or types of animals. Crosses between wild animal species, such as lions and tigers, are considered to be wild animals. Crosses between wild animal species and domestic animals, such as dogs and wolves or buffalo and domestic cattle, are considered to be domestic animals.

Impervious surface means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material.

Indoor housing facility means any structure or building with environmental controls housing or intended to house animals and meeting the following three requirements:

(1) It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of 30 to 70 percent and of rapidly eliminating odors from within the building; and

(2) It must be an enclosure created by the continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); and

(3) It must have at least one door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic).

Intermediate handler means any person, including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier), who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.

Inspector means any person employed by the Department who is authorized to perform a function under the Act and the regulations in 9 CFR parts 1, 2, and 3.

Institutional official means the individual at a research facility who is authorized to legally commit on behalf of the research facility that the requirements of 9 CFR parts 1, 2, and 3 will be met.

Isolation in regard to marine mammals means the physical separation of animals to prevent contact and a separate, noncommon, water circulation and filtration system for the isolated animals.

Licensed veterinarian means a person who has graduated from an accredited school of veterinary medicine or has received equivalent formal education as determined by the Administrator, and who has a valid license to practice veterinary medicine in some State.

Licensee means any person licensed according to the provisions of the Act and the regulations in part 2 of this subchapter.

Major operative procedure means any surgical intervention that penetrates and exposes a body cavity or any procedure which produces permanent impairment of physical or physiological functions.

Minimum horizontal dimension (MHD) means the diameter of a circular pool of water, or in the case of a square, rectangle, oblong, or other shape pool.

the diameter of the largest circle that can be inserted within the confines of such a pool of water.

Mobile or traveling housing facility means a transporting vehicle such as a truck, trailer, or railway car, used to house animals while traveling for exhibition or public education purposes.

Nonconditioned animals means animals which have not been subjected to special care and treatment for sufficient time to stabilize, and where necessary, to improve their health.

Nonhuman primate means any nonhuman member of the highest order of mammals including prosimians, monkeys, and apes.

Operator of an auction sale means any person who is engaged in operating an auction at which animals are purchased or sold in commerce.

Outdoor housing facility means any structure, building, land, or premise, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the regulations, and in which temperatures cannot be controlled within set limits.

Painful procedure as applied to any animal means any procedure that would reasonably be expected to cause more than slight or momentary pain or distress in a human being to which that procedure was applied, that is, pain in excess of that caused by injections or other minor procedures.

Paralytic drug means a drug which causes partial or complete loss of muscle contraction and which has no anesthetic or analgesic properties, so that the animal cannot move, but is completely aware of its surroundings and can feel pain.

Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

Pet animal means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, and hamsters. This term excludes exotic animals and wild animals.

Positive physical contact means petting, stroking, or other touching, which is beneficial to the well-being of the animal.

Primary conveyance means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

Primary enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool, hutch, or tether. In the case of animals restrained by a

tether (e.g., dogs on chains), it includes the shelter and the area within reach of the tether.

Principal investigator means an employee of a research facility, or other person associated with a research facility, responsible for a proposal to conduct research and for the design and implementation of research involving animals.

Quorum means a majority of the Committee members.

Random source means dogs and cats obtained from animal pounds or shelters, auction sales, or from any person who did not breed and raise them on his or her premises.

Registrant means any research facility, carrier, intermediate handler, or exhibitor not required to be licensed under section 3 of the Act, registered pursuant to the provisions of the Act and the regulations in part 2 of this subchapter.

Research facility means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments:

Provided, That the Administrator may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Administrator) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Administrator, any such exemption does not vitiate the purpose of the Act.

Retail pet store means any outlet where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, domestic farm animals, birds, and coldblooded species. Such definition excludes—

(1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes;

(2) Establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other nonpet species of warmblooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;

(3) Any establishment or person selling warmblooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes; and

(4) Any establishment wholesaling any animals (except birds, rats and mice).

(5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

Secretary means the Secretary of Agriculture of the United States or his representative who shall be an employee of the Department.

Sheltered housing facility means a housing facility which provides the animals with shelter; protection from the elements; and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

Standards means the requirements with respect to the humane housing, exhibition, handling, care, treatment, temperature, and transportation of animals by dealers, exhibitors research facilities, carriers, intermediate handlers, and operators of auction sales as set forth in part 3 of this subchapter.

State means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

Study area means any building room, area, enclosure, or other containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 12 hours.

Transporting device means an interim vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals.

Weaned means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its

territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf.

Wild state means living in its original, natural condition; not domesticated.

Zoo means any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

Done in Washington, DC, this 25th day of August, 1989.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-20425 Filed 8-30-89; 8:45 am]

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DEPARTMENT OF AGRICULTURE

9 CFR Parts 2 and 3

[Docket No. 89-131]

RIN 0579-AA18

Animal Welfare

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Animal Welfare regulations contained in 9 CFR part 2, to comply with and implement the amendments to the Animal Welfare Act (7 U.S.C. 2131, *et seq.*) ("Act") contained in Pub. L. 99-198, "The Food Security Act of 1985," enacted December 23, 1985, and to reflect our experience in administering the regulations. In addition to rewriting the regulations to facilitate compliance by making them easier to understand, we are adding a new subpart which pertains exclusively to research facilities, and which consolidates all of the regulations in part 2 applicable to research facilities. The revised regulations also provide requirements for registration and licensing under the Act, adequate veterinary care, handling, holding facilities, identification of animals, and recordkeeping. The revised regulations are necessary to clarify the responsibilities of regulated persons under the Act, as amended, and to promote animal welfare.

DATES: This final rule shall become effective October 30, 1989; however, the portions of the rule which concern or relate to information collection and recordkeeping will become effective October 30, 1989, upon approval by the Office of Management and Budget (OMB). The information collection requirements of this final rule have been

submitted to OMB for review and approval. The Department has requested that OMB conclude its review no later than October 30, 1989. If any portion is disapproved, notice of disapproval will be published in the Federal Register prior to that date.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, REAC, APHIS, USDA, Room 206, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6491.

SUPPLEMENTARY INFORMATION:

Background

This final rule revises the regulations contained in 9 CFR 2.1 through 2.130. It is the result of an intensive effort that began in 1985 when Congress amended the Animal Welfare Act (7 U.S.C. 2131, *et seq.*) (the Act) in Public Law 99-198, "The Food Security Act of 1985," and directed the Secretary of Agriculture to promulgate regulations governing the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors, including requirements for exercise of dogs and a physical environment adequate to promote the psychological well-being of nonhuman primates. The final rule reflects APHIS's many years of experience in enforcing the Act and the Animal Welfare regulations. We considered many thousands of public comments in deciding upon the content of the final rule. Our ongoing consultation with the U.S. Department of Health and Human Services, as well as other Federal agencies concerned with animal welfare, also contributed significantly to determining how best to fulfill our statutory mandate.

Due to the length and complexity of this document, it is broken down into general headings and specific subheadings where appropriate, to assist the reader. The supplementary information begins with a brief history of this rule-making. Next we describe the changes we have made in the final rule, both in form and in content. These changes are based upon our reconsideration of the proposed regulations in light of the comments we received and our consultation with other Federal agencies. Part 2 has been reorganized, in part, in this final rule, so that all requirements imposed upon research facilities are contained in one subpart of the regulations. We then discuss, in detail, how the requirements imposed upon research facilities under the final rule differ substantively from the two previous proposals, and how they do not. We also describe other changes we are making to part 2 based upon our reconsideration of those

provisions. Our response to the comments we received in response to the March 15, 1989 revised proposal follows. Lastly, we address the concerns raised in the public comment letters and by Federal agencies regarding our economic assessments of the cost of implementing the proposed regulations.

Proposed Rules

The Animal Welfare regulations are contained in Title 9 of the Code of Federal Regulations, chapter I, subchapter A—Animal Welfare, parts 1, 2, and 3 (the regulations). Part 1 provides definitions of the terms used in parts 2 and 3. Part 2 sets forth the administrative and institutional responsibilities of regulated persons under the Act, and part 3 provides specifications for the humane handling, care, treatment, and transportation of animals covered by the Act by regulated entities.

In two documents published in the Federal Register, on March 31, 1987 (52 FR 10292-10298 and 52 FR 10298-10322, respectively), we proposed to revise parts 1 and 2 of the Animal Welfare regulations. In addition to the definitions of terms, the proposed amendments pertained to licensing of dealers and exhibitors, and registration of intermediate handlers, research facilities, and carriers. The proposed regulations also set forth requirements applicable to all regulated entities for recordkeeping and identification of animals, holding periods and facilities, inspections, adequate veterinary care, and requirements for Institutional Animal Care and Use Committees as agents of the research facilities. These changes were proposed under the authority of the Animal Welfare Act, as amended by Congress in 1985. At that time, we did not publish a proposed rule to amend part 3—"Standards" of the regulations.

We solicited comments concerning the proposal for a 60-day period ending June 1, 1987. The comment period was twice extended and ended on August 27, 1987. A total of 7,857 comments were timely received and considered. Many of the comments we received stated that it was difficult to comment upon the proposals to amend parts 1 and 2 of the regulations independently of our proposal to amend the standards in part 3. We have maintained that upon their publication as final rules, parts 1 and 2 of the regulations can be fully implemented with the existing standards in part 3. In response to the comments, we decided to publish revised proposals to amend parts 1 and 2 along with our proposed rule to amend part 3, to assist

the public in reviewing the proposed standards in part 3 and to afford the public an opportunity to comment on the interrelationship of the definitions and regulations in parts 1 and 2 with the proposed standards in part 3. Accordingly, on March 15, 1989, we published in the *Federal Register* three documents: Docket No. 88-013, a proposed rule to amend part 1—"Definition of Terms," (54 FR 10822-10835); Docket No. 88-014, a proposed rule to amend part 2—"Regulations," (54 FR 10835-10897); and Docket No. 87-004, a proposed rule to amend subparts A through D of part 3—"Standards," (54 FR 10897-10954).

The revised proposals published in March, 1989, were prepared with the benefit of the public's comments and reflected our thinking at that time of how best to carry out our statutory mandate and our animal welfare objectives. Throughout this rule-making process, however, we have continued our consideration of alternative means to implement the complex regulatory scheme required by the Animal Welfare Act, as amended, and addressed by the commenters in response to our initial proposal. Many of the comments we received in response to our initial proposal concerned the administrative and economic burdens that the regulations would impose on regulated persons. These concerns were repeated in many comments submitted for our consideration following publication of the March 15, 1989 revised proposal.

We also continued our consultation, in accordance with the requirements of the Act (7 U.S.C. 2145), with the U.S. Department of Health and Human Services (HHS) and members of the Interagency Research Animal Committee (IRAC), a committee comprising representatives of Federal agencies concerned with animal welfare. Together, we evaluated different means of reducing the administrative and recordkeeping burdens the proposed rules imposed upon regulated entities without sacrificing our underlying objectives. The regulatory and economic burdens imposed upon the regulated public in this final rule have been substantially reduced by harmonizing the requirements contained in part 2 for research institutions with those imposed upon the large number of research facilities receiving funding under the Health Research Extension Act of 1985, Public Law 99-158, wherever consistent with our statutory mandate.

We believe this final rule provides a responsible regulatory response to our statutory mandate. It reflects our

consideration of the interrelationships between parts 1 and 2 and the standards in part 3 suggested to us in the comments we received. We believe parts 1 and 2 can now be readily implemented while we continue to review the public's comments and consider alternatives concerning the standards that should be included in part 3.

Reorganization of Part 2

The 1985 amendments to the Act affect all regulated entities. However, the most wide-ranging impact is on research facilities. As a result of the amendments, additional institutional responsibilities are imposed on the research community, including: The establishment of institutional animal committees with inspection and reporting duties; providing adequate veterinary care; training of personnel in animal care and treatment; and assurances that animal pain and distress are minimized and that alternatives to painful procedures are considered. Both of our proposals to amend part 2 contained a separate subpart C, applicable only to research facilities, which set forth the duties of the facilities' Institutional Animal Care and Use Committee (IACUC) and many institutional responsibilities. In addition, subpart B set forth the requirements and procedures for research facilities to register under the Act, and subpart D—"Attending Veterinarian and Adequate Veterinary Care," imposed specific requirements on research facilities regarding the provision of veterinary care, which were in addition to the requirements set forth for all licensed or registered entities. Other regulations in the proposed rules contained separate requirements for research facilities as well, such as requirements for identification of animals, recordkeeping, and holding periods.

We have determined that placing all of these requirements in one subpart of the regulations would assist research facilities in understanding their responsibilities under the regulations, and would therefore facilitate their compliance. Accordingly, subpart C is renamed, "Research facilities," in the final rule. It consists of all of the regulations in part 2 that are applicable to research facilities. References to research facilities that were contained in other subparts of part 2 in the revised proposal are removed. Although this results in some duplication in the regulations in cases where an identical provision applies to other regulated entities, we believe it is appropriate to consolidate the many research facility

requirements in one discrete subpart to facilitate compliance.

The remaining subparts of part 2 remain substantially as proposed in the revised proposal for the reasons set forth in that document and as discussed below under the general headings, "Other changes to part 2" and "Public comments." Certain sections and paragraphs have been redesignated as a result of the reorganization of research facility requirements.

Subpart C—Research Facilities

Many of the regulations pertaining to research facilities in the revised proposal remain unchanged in the final rule except for their location in the rule and their numerical designation. Others were modified to harmonize them with the guidelines already in place at federally funded institutions, as suggested by many commenters and other Federal agencies. Those facilities comply with the guidelines set forth in the Public Health Service Policy on Humane Care and Use of Laboratory Animals (PHS Policy). The modified provisions, as well as those containing more significant departures from the 1987 and 1989 proposals, are discussed below, in the order in which they appear in the final rule.

The following chart provides the derivation of the sections contained in subpart C, paragraph by paragraph, to assist the reader. The sections and paragraphs listed under the heading, "Final rule" were derived either conceptually or specifically from the corresponding sections and paragraphs listed under the heading, "Revised proposed rule."

Derivation Table

Final rule	Revised proposed rule
§ 2.30(a)(1).....	§ 2.25(a).
§ 2.30(a)(2).....	§ 2.25(b).
§ 2.30(a)(3).....	§ 2.25(c).
§ 2.30(b).....	§ 2.28.
§ 2.30(c)(1).....	§ 2.27(a).
§ 2.30(c)(1)(i).....	§ 2.27(b)(1).
§ 2.30(c)(1)(ii).....	§ 2.27(b)(2).
§ 2.31(a).....	§ 2.35(a)(1), (4).
§ 2.31(b)(1).....	§ 2.35(a)(2).
§ 2.31(b)(2).....	§ 2.35(a)(3).
§ 2.31(b)(3)(i).....	§ 2.35(a)(5)(i).
§ 2.31(b)(3)(ii).....	§ 2.35(a)(5)(ii).
§ 2.31(b)(4).....	§ 2.35(a)(6).
§ 2.31(c)(1).....	§ 2.35(b)(1)(i), (ii), (iii).
§ 2.31(c)(2).....	§ 2.35(b)(1)(i), (v), (b)(2)(i).
§ 2.31(c)(3).....	(ii)(A).
§ 2.31(c)(4).....	§ 2.30(j).
§ 2.31(c)(5).....	§ 2.35(b)(3).
§ 2.31(c)(6).....	§ 2.35(b)(3)(i).
§ 2.31(c)(7).....	§ 2.30(a)(4).
§ 2.31(c)(8).....	2.35(b)(3)(i).
§ 2.31(d)(1).....	§ 2.35(b)(3)(ii)(A).
§ 2.31(d)(1)(i).....	2.30(g).

Final rule	Revised proposed rule
§ 2.31(d)(1)(ii)	§ 2.30(d), (e)(1).
§ 2.31(d)(1)(iii)	§ 2.30(e)(1)(ii).
§ 2.31(d)(1)(iv)(A)	§ 2.30(e)(3), (4).
§ 2.31(d)(1)(iv)(B)	§ 2.30(e)(2).
§ 2.31(d)(1)(iv)(C)	§ 2.30(e)(9).
§ 2.31(d)(1)(v)	
§ 2.31(d)(1)(vi)	§§ 2.30(a)(4), 2.40(c)(3).
§ 2.31(d)(1)(vii)	§§ 2.35(b)(3)(ii)(C), 2.40(d).
§ 2.31(d)(1)(viii)	§ 2.30(e)(6), (8).
§ 2.31(d)(1)(ix)	§§ 2.30(e)(8), 2.35(b)(3)(i), (ii)(C).
§ 2.31(d)(1)(x)	§§ 2.30(f), 2.35(b)(3)(ii)(D).
§ 2.31(d)(1)(x)(A)	§ 2.30(f)(1)(i).
§ 2.31(d)(1)(x)(B)	§ 2.30(f)(1)(iv), (v).
§ 2.31(d)(1)(x)(C)	§ 2.30(f)(1)(vi).
§ 2.31(d)(1)(xi)	§§ 1.1, 2.40(b).
§ 2.31(d)(2)	§ 2.35(b)(3)(i).
§ 2.31(d)(3)	
§ 2.31(d)(4)	§ 2.35(b)(2)(i)(D)(3).
§ 2.31(d)(5)	
§ 2.31(d)(6)	§ 2.35(b)(3)(i).
§ 2.31(d)(7)	
§ 2.31(d)(8)	
§ 2.31(e)(1)	§ 2.31
§ 2.31(e)(2)	§ 2.30(d).
§ 2.31(e)(3)	§ 1.1.
§ 2.31(e)(4)	§ 2.35(b)(3)(ii)(A), (E).
§ 2.31(e)(5)	§ 1.1.
§ 2.32(a)	§ 2.30(i)(1).
§ 2.32(b)	§ 2.30(i)(3).
§ 2.32(c)(1)	§ 2.30(i)(4)(i).
§ 2.32(c)(1)(i)	§ 2.30(i)(4)(v).
§ 2.32(c)(1)(ii)	§ 2.30(i)(4)(vii).
§ 2.32(c)(1)(iii)	§ 2.30(i)(4)(viii).
§ 2.32(c)(1)(iv)	§ 2.30(i)(4)(ix).
§ 2.32(c)(2)	§ 2.30(i)(4)(iv).
§ 2.32(c)(3)	§ 2.30(i)(4)(iii).
§ 2.32(c)(4)	§ 2.30(i)(4)(vii).
§ 2.32(c)(5)	§ 2.30(i)(4)(ii).
§ 2.32(c)(5)(i)	§ 2.30(i)(4)(vi).
§ 2.32(c)(5)(ii)	§ 2.40(a).
§ 2.32(c)(5)(iii)	§ 2.40(c).
§ 2.32(c)(5)(iv)	§§ 2.30, 2.40(e).
§ 2.33(a)	§ 2.40(e)(1).
§ 2.33(a)(1)	§ 2.40(b).
§ 2.33(a)(2)	§ 2.40(c)(3)(iii), (d).
§ 2.33(a)(3)	§ 2.40(d).
§ 2.33(b)(1)	§ 2.40(c)(3)(iii).
§ 2.33(b)(2)	§ 2.40(c)(3)(iii).
§ 2.33(b)(3)	§ 2.35(b)(2)(i), (ii).
§ 2.33(b)(4)	§ 2.30(g).
§ 2.33(b)(5)	§ 2.35(b)(2)(i).
§ 2.35(a)(1)	§ 2.76(a).
§ 2.35(a)(2)	§ 2.76(a)(1)-(7).
§ 2.35(a)(3)	§ 2.76(b)(1)-(3).
§ 2.35(b)	§ 2.76(c)(1).
§ 2.35(b)(1)-(7)	§ 2.76(c)(2).
§ 2.35(c)(1)-(3)	§ 2.76(d).
§ 2.35(d)(1)	§§ 2.30(1), (m), 2.35(b)(2)(i), 2.81.
§ 2.35(d)(2)	§ 2.31(a).
§ 2.35(e)	§ 2.31(b)(1)-(8).
§ 2.35(f)	§ 2.30(k).
§ 2.36(a)	§ 2.125.
§ 2.36(b)(1)-(8)	§ 2.126(a).
§ 2.37(a)	§ 2.126(b).
§ 2.38(a)	§ 2.127.
§ 2.38(b)(1)	§ 2.128.
§ 2.38(b)(2)	§ 2.129.
§ 2.38(b)(3)	§ 2.131(a).
§ 2.38(b)(4)	§ 2.50(e)(1).
§ 2.38(b)(5)	§ 2.50(e)(2).
§ 2.38(b)(6)	§ 2.50(d).
§ 2.38(b)(7)	§ 2.51(a).
§ 2.38(b)(8)	§ 2.51(b).
§ 2.38(c)	§§ 2.52(c), 2.53.
§ 2.38(d)	§ 2.52.
§ 2.38(e)	§ 2.54.

Section 2.30 Registration

Section 2.30 of the final rule sets forth registration requirements and procedures for research facilities. Except for replacement of the term, "Area Veterinarian in Charge," with "APHIS, REAC Sector Supervisor," the registration requirements remain unchanged from the March 1989 proposal. This change reflects an internal agency reorganization within the Animal and Plant Health Inspection Service (APHIS) which created the Regulatory Enforcement and Animal Care organizational unit (REAC). REAC is charged with responsibility for administering and enforcing the Animal Welfare Act and regulations. This term is defined in the final rule to amend part 1—"Definition of Terms," a related document published elsewhere in this issue of the Federal Register.

Section 2.31 Institutional Animal Care and Use Committee (IACUC)

As explained in detail in the revised proposal, we received many comments from the research community expressing concern that the Institutional Animal Care and Use Committee (IACUC or Committee) and attending veterinarian were allocated too much responsibility and authority, so that they functioned, in effect, as enforcement agents for APHIS. In response to those comments, we revised the proposed rule by reorganizing the provisions of §§ 2.30 and 2.35 to clarify that the duties performed by the IACUC and the attending veterinarian to ensure compliance with the regulations are ultimately the responsibility of the research facility, and that the research facility must provide them with adequate authority to carry out their functions.

Despite these modifications, it has become evident to us, through our further consideration of the comments received and continued consultation with HHS, that research facilities should be accorded greater flexibility in determining how best to ensure compliance. Research facilities vary greatly in size, in the number of animals they handle, and in the number of

personnel they employ. Due to these variations, rigid administrative requirements would be inappropriate for all research facilities, and they should be permitted to develop procedures that satisfy the requirements of the Act and correspond to their operations. We agree that a more flexible approach will achieve the Act's objectives at lower cost to research facilities, many of which already maintain internal review and reporting mechanisms, such as those required under the PHS Policy, than would be incurred under the revised proposal. The mechanisms employed must allow us to inspect for and verify compliance, however, as under the proposed rules. We have therefore modified the provisions regulating the manner in which a research facility, through its Committee, carries out its statutorily assigned duties so that research facilities have the necessary flexibility to develop internal procedures which are best suited for their particular needs. Research facilities are ultimately responsible for complying with the Act and regulations, and must ensure that the procedures they adopt, including those of the Committee, are an effective means of satisfying their obligations.

Changes reflecting greater flexibility, as well as other modifications to the Committee's functions, are explained in detail in this section, in the order in which they appear in the final rule. Due to the redesignation of sections and paragraphs in the final rule, we have included the source paragraph from which the final rule is derived, where appropriate, to assist the reader. The source section number refers to the corresponding provision in our initial proposal or the revised proposed rule of March 1989.

Committee Membership

Section 2.31(a) (revised proposal § 2.30(b)) of the final rule requires that the Chief Executive Officer of the research facility, rather than the "research facility" itself, as required in the proposed rule and revised proposal, appoint an Institutional Animal Care and Use Committee. This change is made to more accurately reflect the statutory language (7 U.S.C. 2143(b)(1)).

We are revising the requirement that the attending veterinarian for the facility be a member of the Committee. Section 2.33(a)(3) of the final rule requires that the attending veterinarian for the facility be a voting member of the Committee, except that facilities that employ more than one Doctor of Veterinary Medicine (DVM) may use another DVM with delegated program responsibility as the

DVM member of the Committee. Accordingly, § 2.31(b)(3)(i) of the final rule (revised proposal § 2.35(a)(5)(i)) is revised to provide that at least one member of the Committee shall be a Doctor of Veterinary Medicine with training or experience in laboratory animal science and medicine. This change continues to fully satisfy the provisions of the Act, as amended (7 U.S.C. 2143(b)(1)(A)), and is consistent with the PHS Policy. It may in fact be preferable at larger institutions where the attending veterinarian's clinical responsibilities are a full-time concern. At many larger institutions, the volume of animal subjects and animal sites under the Committee's purview results in the veterinarian member of the Committee filling an administrative, rather than clinical, role. We believe that a Doctor of Veterinary Medicine, other than the attending veterinarian, can be an appropriate representative for animal care and medical concerns as long as he or she has training or experience in laboratory animal science and medicine.

The final rule does not contain a requirement that the research facility maintain an up-to-date list of Committee members indicating their degrees, position, and qualifications. We had required that this information be maintained by the attending veterinarian and available to us for inspection (revised proposal § 2.35(a)(7)). This information is available to us through a variety of sources and through the Chief Executive Officer of the research facility who is responsible for appointing qualified members to the Committee. Therefore, this recordkeeping requirement can be removed without affecting the ready availability to us of this information.

Committee Functions

The final rule sets forth the functions that the Committee shall perform, "as an agent of the research facility" (final rule § 2.31(c)). We have added this language to allay the commenters' concerns that under the proposed rules, the Committee would operate as an enforcement agent for APHIS. It was never our intent that the Committee carry out APHIS's regulatory responsibilities. Rather, the Committee is intended to function in an oversight and clearing-house capacity to assist the facility in maintaining compliance with the Act and regulations. As stated in the supplementary information accompanying the revised proposal, it is "our intent that institutions act through [the Committee and attending veterinarian] while remaining ultimately responsible." (54 FR 10838)

1. Semi-annual review and evaluation. We are retaining the requirement in the final rule for Committee review and evaluation at least once every 6 months of activities involving animals (final rule §§ 2.31(c) (1) and (2)). The revised proposal would require, as part of the inspection of all animal study areas and facilities, that the Committee review "all practices and procedures involving pain to animals" and "the condition of all animals, in order to ensure compliance with the provisions of the Act to minimize pain and distress to the animals." (Revised proposal § 2.35(b)(1)(i) (A) and (B)). We have simplified the final rule by requiring that the Committee inspect all of the research facility's animal facilities, including animal study areas (see companion docket 89-130, published elsewhere in this issue of the *Federal Register* for the definition of "study area"), and that it review the facility's program for humane care and use of animals. The requirement that the Committee use title 9 of the Code of Federal Regulations, chapter I, subchapter A—Animal Welfare, as the basis for its inspection, is continued in the final rule. There is no need to specify that the twice yearly review include a review of painful procedures, since they are necessarily subsumed in the reviews of a facility's program for humane care and use of animals and of all animal facilities and study areas. Specific reference to painful procedures and the condition of animals was based upon the language of the Act and its emphasis on minimizing animal pain and distress (7 U.S.C. 2143(b)(3)). However, as all animal facilities and study areas must be inspected at least once every 6 months under the final rule, we believe this simplification of the regulations accomplishes the same result. In addition, the Committee's review every 6 months of the facility's program for humane care and use of animals will include review of provisions requiring that pain and distress are minimized, and Committee inspection will determine whether the activities are in compliance.

Revised proposal § 2.35(b)(1)(iii) would allow research facilities to apply to the Administrator for an exemption from the twice yearly Committee inspection requirements for animal study areas where the animals are studied in their natural environment and the study area prohibits easy access. Members of the IRAC stated that the requirement to apply for an exemption for field studies would be burdensome, and that as a practical matter, it would be impossible to hold field sites to the

same regulatory standards and requirements as dedicated surgical facilities and laboratories.

We agree that it may be impractical and burdensome for research facilities to send their Committees to field sites to conduct inspections and observe subject animals in their natural habitat. In some instances, it may be impossible for the Committee members to observe the condition of the animals if the animals' instincts are to avoid being seen. The Animal Welfare Act, as amended, is primarily intended to promote the humane care and treatment of animals used in biomedical research under captive or laboratory conditions. Subject animals that are studied in their natural habitat would not require the same level of protection as captive animals. We are therefore providing in § 2.31(c)(2) of the final rule that research facilities may determine whether their Committee will inspect animal areas containing free-living wild animals in their natural habitat, and we are deleting the requirement that research facilities apply to the Administrator for an exemption (revised proposal § 2.35(b)(1)(iii)). We are exempting inspection of such areas in the regulations rather than requiring an application for an exemption. However, animals studied at field sites in research activities involving some form of surgical intervention or invasive procedure, or that harm or materially alter their behavior, must be conducted in accordance with the regulations, and the Committee must review any such proposed activity. Field studies, as defined in part 1 of the regulations (see companion docket No. 89-130, published elsewhere in this issue of the *Federal Register*), are exempt from Committee review.

Committee inspection reports must be submitted to the Institutional Official under the final rule (§ 2.31(c)(3)). The revised proposal would require that the Committee also provide a copy of its report to the administrative unit representative (revised proposal § 2.35(b)(2)(ii)(B)). The research facility is responsible for ensuring compliance with the regulations and for correcting deficiencies. For this reason, we are removing the proposed additional requirement in the final rule. The research facility is left to determine what additional administrative reporting steps are necessary for it to ensure compliance, and may include providing a copy of the Committee report to the administrative unit representative as part of its internal procedures.

In response to numerous comments we received following publication of the

March 1987 proposal, we revised the proposed regulations to allow greater flexibility to Committees in performing the requisite twice yearly inspections. The revised proposal would allow subcommittees to perform inspections, as provided under the PHS Policy, however, we added the requirement that all inspections be completed within 30 days of commencing the first inspection.

After further consideration of those comments and further consultation with HHS, we have decided that even greater flexibility is warranted so that the Committee, as an agent of the facility, can determine the best means of conducting and completing the necessary evaluations, based upon the particular circumstances of the research facility. Some institutions maintain dozens or even hundreds of animal study areas and hundreds of animals. At those institutions, Committee responsibilities may require nearly all of the Committee members' time, even though membership on the Committee may be in addition to, and not instead of, their daily work responsibilities.

The Act specifies that semi-annual inspection is one of the principal formal actions required of the Committee. It also specifies that a quorum of the Committee is required for all such formal actions (7 U.S.C. 2143(b)(2)). We believe it is appropriate to allow the Committee to determine its own methodology and timetable for conducting inspections and reviews subject to the requirements of the Act. The Committee must conduct their inspections at least once every 6 months, however, and their reports will be subject to examination by APHIS upon inspection. In this manner, we will be able to determine whether the means selected by the Committee for the conduct of twice yearly evaluations meets the requirements of the statute and the regulations. The research facilities remain ultimately responsible for ensuring compliance with the statute and regulations, and, therefore, must ensure that their Committees are performing their statutory and regulatory duties properly.

In our revised proposal, we sought to satisfy the Act's requirements through the use of subcommittees which would present their findings to a quorum of the Committee for approval. In addition to allowing the IACUC to appoint subcommittees to conduct evaluations, under the terms of the final rule the Committee will also be permitted the option of inviting *ad hoc* consultants to assist in conducting evaluations. Committees may find that using consultants to assist them in fulfilling

their responsibilities is beneficial where the consultants have particular knowledge or expertise not otherwise represented on the Committee.

As we noted above, the semi-annual inspection is a vital formal action of the Committee, and the Committee, as an agent for the research facility, is responsible for the conduct of the inspection and the contents of the report as provided in § 2.31(c)(3) of the final rule. A majority of Committee members must review and sign the report, and it must include any minority views. We believe the final rule provides the Committee with additional flexibility to determine the best means of satisfying the statutory requirement. We have modified the reporting requirements in the final rule to allow the Committee to update its report every 6 months (final rule § 2.31(c)(3)). This provision will prove useful for those activities that are ongoing and therefore are repeatedly inspected, and will relieve some of the reporting burden that would be imposed upon the Committee under the revised proposed rule.

The proposed rules would require that the Committee's inspection report contain certain information that is not specifically mandated by the Act. We are revising the reporting requirements in the final rule so that they satisfy both section 13(b)(4) of the Act (7 U.S.C. 2143(b)(4)) and the PHS Policy requirements. Institutions that perform federally funded research under the Health Research Extension Act are already subject to the Committee reporting requirements of the PHS Policy and therefore will not have increased reporting requirements.

The modifications we are making concerning the content of the Committee's report do not affect the substantive elements of the report that are critical for ensuring compliance with the regulations. Section 2.31(c)(3) of the final rule requires that the Committee report describe the nature and extent of the research facility's adherence to the regulations; identify specifically any departure from the regulations and state the reasons for each departure; distinguish significant deficiencies (those that are or may be a threat to the health or safety of the animals) from minor ones, and set forth a reasonable and specific plan and schedule, including dates, for correcting each deficiency. Failure to adhere to the plan and schedule for remedying significant deficiencies shall be reported in writing by the Committee to APHIS and to any Federal funding agency through the research facility's Institutional Official. As under the revised proposal (revised

proposal § 2.35(b)(2)(i)(B)), the Committee's report must be signed by a majority of Committee members and must include any minority views of the Committee. We believe the report will be an effective tool for providing information to both the research facilities and to APHIS, and that providing uniformity in reporting requirements for institutions receiving Federal funding will reduce their administrative and reporting requirements.

We are removing the requirement contained in revised proposal § 2.35(b)(2)(i) that the Committee must file its inspection report within 10 business days of completing its inspection of all animal areas. Upon reconsideration of this requirement we have determined that it may not be practical or feasible at large institutions with many animal study areas or at research facilities having more than 3 Committee members, since it may not be possible for those facilities to consolidate all the required information into one report within 10 days. Furthermore, at many institutions the IACUC meets once each month to consider Committee business, and their scheduled meeting may not coincide with a rigid 10-day requirement. In the revised proposal of March 1989, we explained that the 10-day time period was desirable to ensure that inspection information is kept on file and current. The IACUC, as an agent of the facility, is responsible for the evaluation and report; however, research facilities are responsible for ensuring compliance with the Act and the regulations at all times, and for ensuring that the twice yearly evaluations are properly conducted. Accordingly, if upon inspection, we determine that a Committee has not conducted its evaluations and prepared evaluation reports as required by the regulations, we could allege, in an enforcement proceeding, that the research facility is in violation of the regulations. We believe that the provisions contained in the final rule concerning the Committee's reporting requirements will satisfy the statutory objectives and ensure compliance with the Act and regulations.

The proposed requirement for deficiency notification reports and the 30-day correction period are removed from the final rule. We received numerous comments objecting to this requirement, as originally proposed in the March 1987 proposal. Many commenters stated that a fixed 30-day correction period was inappropriate. We revised this requirement in the March

1989 revised proposal to require that notification of a deficiency be reported to the CEO or institutional official, since the research facility is responsible for assuring compliance, within 1 business day of discovery, and to clarify that the 30-day period runs from notification. We also added a 5-day notification period following expiration of the 30-day correction period for notifying APHIS and any Federal funding agency if the deficiency remained uncorrected. Finally, as under the PHS Policy, the revised proposal would allow the Committee to suspend an activity by withdrawing its approval due to noncompliance with an approved activity, formerly referred to as the animal care and use procedure or ACUP.

The rationale underlying the proposed requirements for prompt notification to the facility, the fixed 30-day correction period, and prompt notification to APHIS in the event of noncorrection, was to help ensure timely relief for animals found suffering due to noncompliance with the regulations. We have continued to explore alternative means of assuring that deficiencies are corrected within a reasonable and appropriate timeframe, and have pursued this issue with other Federal agencies concerned with animal welfare. Members of the IRAC were concerned that the 30-day correction period may not be uniformly appropriate for all deficiencies. They stated that the Committee, having observed the deficiency, is in the best position to determine the appropriate amount of time that should be allowed for correcting any deficiency found during an inspection. We agree with the IRAC suggestion and are revising the final rule to provide that the Committee shall set forth in its evaluation report a specific plan and schedule, with dates, for correcting deficiencies. We are maintaining the requirement that uncorrected significant deficiencies must be reported, in writing, to APHIS and funding Federal agencies; however, we are revising the regulations to allow the Committee 15 days to notify the Administrator and any funding Federal agency so that the Committee will have sufficient time to complete the necessary paperwork. We are also maintaining the Committee's authority to suspend an activity for noncompliance. Upon implementation, these provisions will provide an effective mechanism for ensuring that suffering animals are given prompt relief.

Research facilities will continue to be responsible for ensuring that corrective action is taken in a timely manner, in

accordance with their responsibility for compliance with the Act and the regulations. Committee reports must be submitted to the Institutional Official under § 2.31(c)(3) of the final rule, and must be maintained by the research facility. They must also be available to APHIS upon request. This will allow us to review the timeframes set by the Committee for correcting deficiencies, and to determine whether they are reasonable and appropriate.

2. Review and investigation of complaints. We initially proposed in March 1987, that the Committee must establish a reporting procedure whereby laboratory or research facility personnel or employees could report violations of the Act or regulations, including problems, deviations, or deficiencies in animal care or use. We revised this requirement in § 2.30(j) of the March 1989 revised proposal by placing this responsibility on the research facilities, since they are ultimately responsible for compliance.

We are removing this requirement in the final rule, as explained in greater detail below, and are requiring that research facilities provide training to personnel in methods of reporting deficiencies (7 U.S.C. 2143(d)(4)). The requirement for this training is contained in § 2.32(c)(4) of the final regulations.

We are continuing to require that the Committee, as an agent of the research facility, review, and, if warranted, investigate concerns involving the care and use of animals at the research facility (final rule § 2.31(c)(4); revised proposal § 2.30(j)). We are expanding this requirement, however, to include review, and if warranted, investigation of complaints received from the public, in addition to those received from facility personnel and employees. In amending the Act, Congress acknowledged the importance of public concern for the care and treatment of laboratory animals (7 U.S.C. 2131). We believe that it is important and appropriate that research facilities be responsive to the public, and consider complaints made directly to a facility.

We are removing the requirement that the Committee prepare and file a formal report of these investigations at a central location at the research facility, as required by revised proposal § 2.30(j). The research facility must maintain documentation of the Committees' reviews and investigations conducted in response to complaints received in order to demonstrate its compliance with these regulations, however. In the final rule, the research facility may determine

the form and method of such documentation.

3. Recommendations. We are adding to the final rule a provision that will require that the Committee make recommendations to the Institutional Official regarding any aspect of the research facility's animal program, facilities, or personnel training, as part of the Committee's functions (final rule § 2.31(c)(5)). We believe it is appropriate to impose this responsibility upon the Committee, as an agent of the facility, since it conducts first-hand observation of the implementation of the research facility's animal care program. The research facility is responsible for implementing Committee recommendations in order to bring the facility into compliance with the Act and regulations.

4. Review and approval of proposed activities. Under the final rule, the Committee is authorized to review and approve, require modifications in, or withhold approval of those components of proposed activities involving animals that are related to the care and use of animals (final rule § 2.31(c)(6)) and significant changes to those activities (final rule § 2.31(c)(7)). These provisions incorporate the prohibition contained in revised proposal § 2.35(b)(3)(i) which states that "[n]o research, testing, or teaching involving warm-blooded animals covered by the Act performed by a facility's personnel at any location shall commence prior to approval of the [animal care and use procedure] of the research, testing, or teaching by the Committee * * *". The language of the final rule reflects that used in the PHS Policy in order to harmonize our mutual requirements, however its substantive import remains unchanged. As explained in greater detail in docket No. 89-130, part 1—"Definition of Terms," the term "activity" is used in the final rule instead of "animal care and use procedure" or "ACUP" to conform the term with that used in the PHS Policy.

Following our initial proposal, we received numerous comments objecting to the requirement for Committee review of animal care and use procedures as exceeding our statutory authority. For the reasons set forth in the supplementary information accompanying the revised proposal (54 FR 10848-10849), we continue to believe that ample statutory authority exists for requiring Committee review of all proposed activities for the care and use of animals, and that such review is necessary in order to fulfill the intent of the Act. Committee review and approval is also required under the PHS Policy for all research facilities receiving funds

under the Health Research Extension Act of 1985. We believe that this requirement should be uniformly applied to all research facilities, as Congress intended.

Our initial proposal of March 1987, would require Committee approval of all painful procedures. As part of the approval process, the Committee would be required to ensure that a proposed activity (referred to as a "protocol" in that document) contained provisions for acceptable and proper animal care, treatment, practices, methods, and use of pain-relieving drugs (initial proposal § 2.35(b)(3)(ii)). Committee approval would be conditioned on the "protocol" containing certain measures and precautions to minimize animal pain and distress unless scientifically necessary and justified in the proposal, and to assure adequate veterinary care. The Committee would be required to obtain written assurances from the principal investigator that alternative procedures were considered and that the experiment was not unnecessarily duplicative (initial proposal § 2.35(b)(3)(iii)-(v)).

The Committee would also be responsible under the initial proposal for the following: (1) Requiring that the principal investigator consult with the attending veterinarian in planning a painful procedure and during it; (2) requiring that the principal investigator provide for the use of pain-relieving drugs in accordance with the attending veterinarian's recommendations; (3) requiring that pre-surgical and post-surgical care be provided in accordance with the attending veterinarian's instructions and veterinary medical and nursing procedures; (4) requiring that all aseptic survival surgeries be performed under aseptic conditions by trained personnel; (5) prohibiting the use of paralytic drugs without anesthesia; and (6) prohibiting the withholding of pain-relieving drugs except when scientifically necessary and approved by the Committee and attending veterinarian. The Committee would have to assure that no animal would be used in more than one major operative experiment from which it was allowed to recover except as provided in the regulations. The Committee would allow exceptions to the Animal Welfare regulations when necessary for accomplishing the research design and explained in detail, in writing, by the principal investigator. (See initial proposal § 2.35(b)(3) (vi), (vii) and 2.35(c)).

In the March 1989 revised rule, we stated that many commenters objected that the regulations, as initially

proposed, would place too much authority on the Committee and the attending veterinarian. In the supplementary information accompanying the revised proposal, we stated that the statute and the legislative history of the 1985 amendments to the Act supported our initial proposal to impose certain duties and responsibilities on the Committee and the attending veterinarian (54 FR 10845). We also noted our agreement with the commenters that the ultimate responsibility for those duties lies with the research institutions themselves. We revised the proposed rule accordingly, to place responsibility on the research facilities except where specifically reserved to the Committee or attending veterinarian by the Act.

We have continued our consideration of the allocation of authority and responsibilities under the Act. We persist in the view that the research facility is ultimately responsible for assuring that it is in compliance with the Act and regulations. As previously stated in this document, we believe that the Committee, as an agent for the facility, is best situated to carry out many of the research facility's responsibilities under the Act. The research facility must provide the Committee with sufficient authority to carry out the duties delegated to it under the regulations, in order to ensure that it is in compliance.

The final rule is revised to reflect that the Committee, as an agent of the research facility, shall review the animal care and use components of proposed activities to determine that they are in accordance with the regulations unless justification for a departure is presented by the principal investigator in writing (final rule § 2.31(d)). As previously discussed, field studies, as defined in Part 1 of the regulations (see companion docket No. 89-130, published elsewhere in this issue of the Federal Register) are exempt from Committee review. The requirements that would be imposed upon research facilities under the revised proposal when they engage in potentially painful procedures shall be carried out by the Committee in reviewing all proposed activities involving animals. Accordingly, revised proposal § 2.30(e)(10), requiring that each research facility that engages in any practice or procedure that might reasonably be expected to be a painful procedure establish a written policy to ensure compliance with those requirements, and § 2.30(f), requiring that each research facility establish a written policy which assures that no animal is used in more than one major

operative experiment from which it is allowed to recover, are removed.

This modification to the final rule will allow research facilities greater flexibility in carrying out their responsibilities under the Act through their Committee, and will ensure that proposed activities are subjected to close scrutiny, as contemplated by the Act and the proposed regulations. The Committee can develop mechanisms for covering the various elements that must be addressed in conducting their review, however, Committee activities must be reflected in their records in accordance with § 2.35 of the final rule, and available for APHIS inspection. We have conformed the language of the final rule with that of the PHS Policy as it pertains to Committee review of proposed activities involving animals, as part of our effort to harmonize our mutual requirements.

We describe below the requirements that must be satisfied for the Committee to approve a proposed activity or a proposed significant change in an ongoing activity under § 2.31(d) of the final rule.

(a) Procedures involving animals must avoid or minimize discomfort, distress, and pain to the animals (final rule § 2.31(d)(1)(i)). Revised proposal § 2.35(b)(3)(ii)(A) would have required that functional or sensory impairment be minimized, in addition to animal pain and distress in order for the Committee to approve a proposed activity.

The term "discomfort" in the final rule includes a broad range of uncomfortable sensations, including functional or sensory impairment. We consider this modification to be a nonsubstantive conforming change.

(b) Alternatives to procedures that may cause more than momentary or slight pain or distress to the animals must have been considered, and the principal investigator must provide a narrative description, in writing, of the methods and sources that were used to determine that alternatives were not available. This requirement is derived from revised proposal § 2.30(d). In addition, revised proposal § 2.30(e)(1) would have required that the principal investigator provide written assurance to the Committee that alternative procedures were considered and found not suitable, and indicate what information sources were considered.

We have modified the requirement concerning consideration of alternative procedures to allow research facilities greater flexibility in devising internal procedures for their principal investigators to follow, which simplify their task of indicating what sources

were consulted. The principal investigator must provide a written narrative of the sources consulted, such as biological abstracts, Index Medicus, the Current Research Information Service (CRIS), and the Animal Welfare Information Center that is operated by the National Agricultural Library. We believe that in fulfilling this requirement, Committee members will discuss these efforts with the principal investigator in reviewing the proposed activity. We also believe that consideration of alternatives will be discussed during Committee meetings where proposed activities are presented for approval, and made part of the meeting minutes. If the Committee determines that the written narrative prepared by the principal investigator provides adequate assurance that alternatives were considered, the Committee's meeting minutes need only reflect this determination. Committee meeting minutes will be available for APHIS inspection to determine whether alternatives were in fact discussed, and the written narrative of information sources consulted will be made part of the Committee's record. Research facilities will be held responsible if it is subsequently determined that an alternative procedure was available to accomplish the objectives of the proposed experiment. Therefore, the Committee, as an agent of the facility, must satisfy itself that alternatives were adequately considered. We believe that the Act's objectives will be satisfied through this Committee review process.

(c) Similarly, the principal investigator must provide written assurance that the proposed activities do not unnecessarily duplicate previous experiments (final rule § 2.31(d)(1)(iii)). Revised proposal § 2.30(e)(1)(ii) would have required that the written assurance indicate what information sources were consulted, what other procedures were considered, and what techniques will be used to minimize pain and discomfort to animals.

Under the final rule, research facilities are allowed flexibility in devising their own internal procedures for principal investigators to follow in preparing their written assurance. As stated above, we believe that the Committee will explore the efforts underlying the assurance with the principal investigator to determine whether a reasonable good faith effort was made by the principal investigator in determining that a proposed experiment is not unnecessarily duplicative. As is the case in determining whether alternative procedures were available, the Committee, as an agent of the facility,

must be satisfied with the assurance. The assurance will be made part of the Committee record in accordance with § 2.35 of the final rule, as will Committee deliberations concerning the proposal, and are therefore available for APHIS inspection. Research facilities will be held responsible if it is subsequently determined that an experiment is unnecessarily duplicative and that a good faith review of available sources would have indicated as much.

(d) If a procedure may cause more than momentary or slight pain or distress to the animals, it must be performed with appropriate pain-relieving drugs, unless withholding of such drugs is justified for scientific reasons, in writing, and continues only for as long as necessary; the attending veterinarian or a designee shall be consulted in planning the proposed activity; and it must not include the use of paralytics without anesthesia.

These provisions are set forth in § 2.31(d)(1)(iv) of the final rule and, except as explained below, are nonsubstantive modifications of the revised proposal (revised proposal §§ 2.30(e) (3), (4); 2.30(e)(2); and 2.30(e)(9); and 2.35(b)(3)(ii)(E)) to conform the language of the final rule with that found in the PHS Policy and to reflect the Committee's review functions under the final rule. The use of appropriate pain-relieving drugs and requirement for consultation with the attending veterinarian will ensure that the drugs are administered in accordance with their accepted and established use. These responsibilities were assigned to the research facility under the revised proposal. As previously explained, we have reassigned these responsibilities to the Committee in the final rule, to carry out as an agent of the facility.

The revised proposal would specifically require that the research facility ensure that the attending veterinarian is allowed access to all animal and research areas at any time during actual research involving a potentially painful procedure (revised proposal § 2.30(e)(2)). This language does not appear in the final rule. The research facility is responsible under § 2.33 of the final rule for ensuring that adequate veterinary care is provided, and that the attending veterinarian has appropriate authority to ensure that adequate veterinary care is provided. This would necessarily require that the attending veterinarian have access to animal study areas in order for the research facility to ensure its responsibilities are satisfied. In addition, the attending veterinarian or

his or her delegated representative may be the Doctor of Veterinary Medicine member of the Committee, and would be assured access to all animal study areas in that capacity.

(e) Animals that would otherwise experience severe or chronic pain or distress that cannot be relieved will be painlessly euthanized at the end of the procedure, or during the procedure, if appropriate. This requirement is added to the final rule to reduce animal suffering, pain, and distress.

(f) The living conditions of animals must be appropriate for their species, in accordance with the standards of part 3, and contribute to their health and comfort. The attending veterinarian or other trained, experienced scientist will direct proper housing, feeding, and nonmedical care. The revised proposal would require that the research facility ensure that animals are housed and cared for in accordance with the regulations in 9 CFR, chapter 1, subchapter A (revised proposal § 2.30(a)(4)). It also would require that any deviations from the regulations be fully explained by the principal investigator and approved by the Committee.

We are allowing someone other than the attending veterinarian to direct the housing, feeding, and nonmedical care of the animals as long as that individual has training and experience in the species being maintained or handled. We believe that such an individual is qualified to supervise nonmedical aspects of care. Medical care must be provided as necessary by a qualified veterinarian under final rule § 2.31(d)(1)(vii).

(g) Activities that involve surgery must include appropriate provision for pre-operative and post-operative care of animals in accordance with current established veterinary medical and nursing practices. This requirement modifies revised proposal § 2.30(e)(6) which would require that all pre-procedural, procedural, and post-procedural care be provided by personnel in accordance with the instructions of the attending veterinarian and established veterinary medical and nursing procedures. By not requiring the direct involvement of the attending veterinarian in all matters relating to medical care, research facilities are accorded greater flexibility under the final rule in providing care. However, they are responsible for ensuring that adequate veterinary care is provided. As modified, this requirement satisfies the statutory mandate that a doctor of veterinary medicine be consulted in planning any

procedure that could cause pain to animals and that adequate veterinary care be provided (7 U.S.C. 2143(a)(3) (A) and (C)).

Section 2.31(d)(1)(ix) of the final rule modifies the requirement that would be imposed upon research facilities under revised proposal § 2.30(e)(7) (and upon the Committee, in part, in revised proposal § 2.35(b)(3)(ii)(B)) that survival surgeries be conducted only in facilities intended for that purpose, under aseptic conditions using aseptic techniques. Under the final rule, the requirement for a dedicated surgical area applies to major operative procedures conducted on animals other than rodents, however all survival surgery or operative procedures must be done under aseptic conditions using aseptic procedures. There is no statutory requirement that procedures be performed in dedicated surgical areas. However, we believe it is advisable to require such areas when surgical procedures are performed on larger animals to reduce the risk of infection. Surgeries performed on rodents typically require limited, contained work space, and therefore can be performed in non-dedicated areas using aseptic procedures and techniques. Requiring that surgical procedures performed on rodents be done under aseptic conditions, and that adequate veterinary care be provided, should be sufficient to protect those rodents that are covered by the Act from infections due to surgery. In addition, dedicated facilities are not required at field sites, however, all operative procedures must be performed under aseptic conditions using aseptic procedures.

(h) Personnel who conduct procedures on the species being maintained or studied must be appropriately qualified and trained in those procedures. This language modifies the requirements of revised proposal §§ 2.30(e)(6) and 2.30(e)(8). Under § 2.32 of the final rule, research facilities are responsible for ensuring that personnel are appropriately qualified. Section 2.33 requires that the facility's program of adequate veterinary care include pre- and post-procedural care in accordance with current established veterinary medical and nursing procedures. This change is intended to allow research facilities greater flexibility in accomplishing the same objective.

(i) No animal can be used in more than one major operative procedure from which it is allowed to recover unless justified, such as when required by or related to other surgical procedures, in writing, by the principal investigator; required as a routine

veterinary procedure or to protect the health or well-being of the animal as determined by the attending veterinarian; or in other special circumstances as determined by the Administrator upon request. This requirement and the exceptions to it were contained in revised proposal §§ 2.30(f)(1) and 2.35(b)(3)(ii)(D), except that reference to endangered species or marine mammals and the provision that cost savings is not adequate justification for multiple use of animals are removed. Such concerns may be addressed to the Administrator as an element of the special circumstances which might justify multiple major operative procedures.

(j) The method of euthanasia that will be used in a proposed activity must be consistent with the definition set forth in part 1 of the regulations (*see* docket No. 89-130, published elsewhere in this issue of the *Federal Register*), unless a deviation is justified for scientific reasons, in writing, by the principal investigator. This provision is added to the final rule in order to ensure that only humane methods of euthanasia are utilized.

The revised proposal would have provided that the research facility require that the attending veterinarian provide training of personnel in the proper use of pain-relieving drugs in order to minimize pain and distress to animals (revised proposal § 2.30(e)(5)). This requirement does not appear in the final rule. However, we believe our objective is satisfied by requiring that the Committee, in reviewing a proposed activity, determine that appropriate pain-relieving drugs will be used unless scientifically justified in writing (final rule § 2.31(d)(1)(iv)) and that the personnel who will be conducting procedures on the animals are appropriately qualified and trained in those procedures (final rule § 2.31(d)(1)(x)).

As set forth above, § 2.31(d)(1) of the final rule continues, in modified form, the provision of revised proposal § 2.30(g) that exceptions to compliance with the regulations and standards contained in title 9 CFR, chapter I, subchapter A—Animal Welfare may be made by the research facility when necessary to accomplish the research design, specified in the proposal for the activity, explained in detail, and approved by the Committee. Under the final rule, the Committee as an agent of the facility, has responsibility for determining that a proposed activity is in accordance with 9 CFR, chapter I, subchapter A, unless an acceptable justification is presented. As under the

revised proposal, the research facility must maintain, as part of its recordkeeping responsibilities under § 2.35 of the final rule, records of proposed activities. These records will therefore contain the written justification presented by the principal investigator for any departure from the regulations, and, in accordance with the final rule, must be available to APHIS inspectors. This will enable us to determine whether the facility is in compliance with this provision of the regulations and is allowing departures from the regulations only when properly justified and documented.

We are removing the requirement that a copy of all written reports detailing and explaining exceptions to the regulations be attached to the research facility's annual report. During our consultation with members of the IRAC, objections were raised to attaching copies of written reports to the annual report on the grounds that it is unduly burdensome and not required by the Act. Section 13(a)(7) of the Act requires that research facilities provide assurance to the Secretary that the facility is adhering to the standards and provide an explanation for any deviation. We proposed that a copy of the detailed report be attached to a research facility's annual report, in addition to being made available at the facility to APHIS inspectors, to assist us in determining whether a facility is in compliance with the Act and the regulations. It would also assist us in preparing our comprehensive annual report to Congress, as required under section 25 of the Act (7 U.S.C. 2155).

Upon reflection, we believe the IRAC comment has merit. Copies of the written reports are not necessary to fulfill the statutory requirement. Therefore, we are requiring in the annual report an assurance that the facility is adhering to the standards and regulations under the Act, and that it has required that exceptions be specified and explained by the principal investigator and approved by the Committee. We believe that requiring this assurance and inspecting Committee records at the research facility will reduce the paperwork and administrative burden that would be imposed upon those facilities under the revised proposal, and still fulfill the statutory directive of the Act. A summary of all written detailed reports of departures from the regulations, including a brief explanation of the departure and identification of the species and number of animals affected by the exception must be attached to the annual report (7 U.S.C. 2143(a)(7)(B)(iii)).

It must also include the numbers of animals used in painful procedures for which pain-relieving drugs were not used and an explanation for withholding the drugs. This information is necessary to enable us to determine whether a facility is in compliance with the regulations, to prepare our report to Congress, and to determine whether closer scrutiny of an approved exception or the Committee approval process itself is warranted. Requirements for the research facility's annual report are contained in § 2.36 of the final rule.

Our initial proposal of March 1987 would have required Committee approval of a proposed "protocol" that would cause more than short-term minor pain or distress before the procedure could commence. As explained in ample detail in the supplementary information accompanying the March 1989 revised proposal, we eliminated the proposed categories of animal use and determined that requiring Committee review and approval of all animal care and use procedures, consistent with the PHS Policy, was preferable. (See 54 FR 10865-10866). In further response to the comments we received, we revised the mechanism for accomplishing Committee review in order to relieve the heavy burden that would be imposed upon the Committee, by incorporating the PHS Policy approach of assigning ACUPs to individual Committee members for review and recommendation, unless a member requests in depth review by a quorum of the Committee. The revised proposal would require that the Committee member's recommendations be presented to the Committee for formal action by a quorum of its members, under authority of section 13(b)(2) of the Act (7 U.S.C. 2143(b)(2)).

During our consultation with members of the IRAC, concern was expressed that assembling a quorum of the Committee would delay or impede research, and in cases where immediate action would be required, such as a proposal to harvest vital organs from euthanized animals, would be impractical. It would also place a huge burden on Committee members at research facilities that conduct a great many activities, since Committee members would be responsible for official action on large numbers of proposals.

We have decided to retain the provisions of the revised proposal which allow proposed activities to be assigned to individual Committee members for review in order to allow greater flexibility in carrying out the Committee's review and approval

responsibilities. Under the final rule, however, the reviewing member(s) of the Committee will also be authorized to approve or require modifications to proposed activities in order to secure approval. The reviewing member of the Committee may also request full Committee review. In addition, as under revised proposal § 2.35(b)(3)(i), any member of the Committee may request full Committee review of a proposal.

Our purpose in requiring Committee review of proposed activities involving animals, as stated in the supplementary information accompanying our initial proposal, is to ensure "that all possible steps have been taken to reduce or eliminate as much pain and distress as possible, and that the proper level of animal care and treatment has been planned for and carried out using acceptable practices and methods." (52 FR 10302). We believe that the final rule, as further revised, accomplishes this objective with less burden on Committee members.

Section 2.31(d)(2) of the final rule requires that each Committee member receive a list of proposed activities before they are reviewed, and that written descriptions of proposed activities involving animal care and use be available to all members for their consideration. As stated above, any member of the Committee can request full Committee review. In this manner, all of the Committee members participate in determining whether an individual member of the Committee may be authorized, as an agent of the Committee, to approve a proposed activity. If any Committee member determines that more in depth scrutiny of a proposed activity is necessary, approval may be granted only after review at a convened meeting of a quorum of the Committee. As an additional precaution, the final rule precludes the participation in the approval process of any member who has a conflicting interest in the proposed activity.

As with inspections, the final rule provides for the participation of invited consultants in reviewing proposed activities. Since publication of our initial proposal in March 1987, we have continued to consider the most effective means of carrying out Committee reviews so that they accomplish our stated objective, as set forth above. We can foresee instances where the Committee, composed of a minimum of 3 members, 1 of whom is not affiliated with the research facility and is intended to represent community interests, may not possess the requisite expertise to evaluate all of the complex

issues presented by a proposal or to understand its implications for the animals' health and well-being. By allowing research facilities, through their Committees, to invite consultants to participate in the review process, we are providing research facilities with the authority they require to conduct meaningful reviews and thereby ensure the proper care, treatment, and use of animals.

Section 2.31(d)(4) provides the mechanism by which the Committee notifies the principal investigator and the research facility, in writing, of its decision to approve, withhold approval, or require modification of a proposed activity. Our proposals did not prescribe requirements for notification, although the research facility would be responsible if it allowed unapproved activities to proceed. We are supplementing our proposals by requiring written notification of the Committee's disposition of each proposed activity involving the care and use of animals. If the Committee determines to withhold approval, it must provide the principal investigator and the research facility with a written statement explaining its decision. The principal investigator then has the opportunity to respond to the Committee, either in person or in writing. On the basis of the response, the Committee may reconsider its decision.

Section 2.35(b)(1)(iv) of the revised proposal added a mechanism, in accordance with the PHS Policy, for the Committee to suspend or withdraw its approval of an activity involving pain to animals if the Committee determines upon inspection that the practice or procedure is not being conducted in accordance with the approved animal care and use procedure (ACUP) or the regulations. As explained in the supplementary information accompanying the revised proposal, withdrawal of approval means that the procedure or practice must cease, or the research facility will be considered to be in violation of the regulations (54 FR 10866). Accordingly, the revised proposal provided that the Committee must direct the CEO or institutional official to instruct the principal investigator to cease all noncomplying activities immediately.

Upon further consideration of this provision, we have determined that additional clarification of the Committee's role and the institution's responsibilities in this regard is necessary. The final rule is revised to clarify that the Committee may suspend an activity after a convened quorum of

the Committee has reviewed the matter and a majority of the quorum favors suspension. Suspending an activity that is in progress may require that the principal investigator discontinue an experiment and start the project over from the very beginning. This may be an exceedingly costly consequence, in terms of time and funds, and may require that the animals involved be destroyed or replaced. We believe that before such drastic action is taken, a quorum of the Committee should be presented with this decision. If immediate action is necessary, the Committee member who discovered the deficiency may request an emergency meeting. Under the final rule, the Committee, as agent of the research facility, rather than the CEO or Institutional Official, is authorized to direct cessation of noncomplying activities. In order to provide the Committee with this authority, which was previously reserved to the head of the facility, it is necessary in accordance with section 13(b)(2) of the Act to require a quorum of the Committee (7 U.S.C. 2143(b)(2)).

As under the revised proposal, we are requiring that the Institutional Official be apprised that by virtue of the suspended activity the facility had not been operating in compliance with the regulations. The Institutional Official must review the reasons for the suspension with the Committee and take appropriate corrective action in order to bring the facility back into compliance. The Institutional Official must report the corrective action taken to APHIS, and to any funding Federal agency (final rule § 2.31(d)(7)). This requirement carries out the directive of section 13(b)(4)(A)(ii) of the Act which requires that the Committee include, as part of its inspection report, any deficient conditions and any deviations of research practices from originally approved proposals that adversely affect animal welfare, any notification to the facility regarding such conditions, and any corrections made thereafter (7 U.S.C. 2143(b)(4)(A)(ii)), and does so in a manner that is consistent with the PHS Policy. This practice is therefore already in place at many research institutions.

In addition, we are adding a provision to allow officials of the research facility to further review activities approved by the Committee and significant changes to approved activities that are ongoing. Research facilities are ultimately responsible for ensuring compliance with the Act and regulations and are therefore responsible for the proper functioning of their Committees. Section 2.31(d)(8) of the final rule, consistent

with the PHS Policy, specifically provides that Institutional Officials at research facilities may review Committee activities and determinations, however, they may not override or circumvent the Committee's decision on a proposed activity, including a decision on suspension.

We are adding a provision to the final rule to require that the Committee conduct continuing review of activities covered by the Animal Welfare regulations at appropriate intervals, and at least annually (final rule § 2.31(d)(5)). This review is in addition to the twice yearly evaluations required by final rule § 2.31(c) and is intended to provide current information to the research facility regarding all ongoing activities so that it can remain in compliance. Follow-up reviews of problematic conditions discovered during evaluations must be conducted, as determined necessary by the Committee.

Section 2.31(e) of the final rule identifies the information that must be provided by the principal investigator to the Committee as part of his or her proposal to conduct an activity involving animals. The revised proposal did not specifically list the information that must be provided to the Committee, however, it did specify the aspects of animal care and use the Committee must consider in evaluating a proposed care and use procedure. In order to perform its evaluation completely and properly, the Committee would need to consider this information. In order to provide guidance to principal investigators in the preparation of proposals and thereby facilitate implementation of the rule, we have identified in final rule § 2.31(e) the information that must, at a minimum, be included in a proposal submitted to the Committee.

Personnel Qualifications and Training

Section 2.30(i) of the revised proposal would require that each research facility provide for the training and continuing education of personnel involved with animal use, care, and treatment, and that the training be reviewed by the Committee and the attending veterinarian. It would also require that training be made available annually or as appropriate to individuals and their responsibilities, and that research facilities review the status of the training and qualifications of researchers who use animals at least once each year.

Although the Act places responsibility for training upon the research facility (7 U.S.C. 2143(d)), in considering the comments we received and in preparing the revised proposal, we determined that this responsibility could best be

carried out through the attending veterinarian because of his or her expertise, and through Committee review (See 54 FR 10854-10855).

Based upon our ongoing consultation with HHS and members of the IRAC, as well as our continuing consideration of the comments we received, we have revised the final rule to place responsibility for training on the research facilities, and to let them determine the best means of satisfying their statutory obligations. Accordingly, § 2.32(a) of the final rule provides that it shall be the responsibility of the research facility to ensure that its personnel involved in animal care, use, and treatment are qualified to perform their duties, and that partial fulfillment of this responsibility shall be through providing training and instruction to those personnel.

The revised proposal would require that research facilities maintain a written policy ensuring that all personnel qualifications are reviewed annually. The review could be done separately or as part of another personnel review. The latter requirement was added in the revised proposal in response to the numerous comments we received objecting that a separate, annual review would be costly and impractical. It was also based upon our consultation with HHS, during which it was pointed out that many facilities have internal mechanisms for reviewing personnel qualifications and performance.

In the course of our further consultation with HHS and members of the IRAC following publication of the revised proposal, we recognized that because many, if not most, research activities last far longer than one year, it is more important that research facilities establish at the outset of the activity that the personnel involved in the care, use, and treatment of animals are properly qualified and trained to assure their humane care and treatment, and that the requirement of annual review would be unnecessary and burdensome in many instances. We are therefore revising the final rule to clarify that research facilities are responsible for ensuring that their personnel are properly trained and qualified. Accordingly, § 2.32(b) of the final rule requires that training and instruction be made available, and the qualifications of personnel reviewed, with sufficient frequency to fulfill the research facility's responsibilities to ensure its personnel are qualified and that it is in compliance with the regulations. Under this provision, facilities may establish their own internal means and procedures for

assessing the training and qualifications of their personnel, as long as they ensure that their statutory responsibilities are satisfied. The requirement that research facilities maintain a written policy ensuring annual review of personnel is removed.

We have also removed the requirement that training be available for review by APHIS inspectors. Rather than looking at prepared training materials in order to determine whether personnel are qualified to perform their duties and are complying with the regulations, APHIS inspectors will be better able to assess and evaluate the qualifications of laboratory personnel by observing their performance in the course of APHIS inspections, and by determining, through observation and review of Committee records, that personnel are properly carrying out approved activities and are in compliance with the regulations.

We are continuing to require training in the areas listed in the revised proposal § 2.30(i)(4), except that we have removed the reference in paragraph (i)(4)(xi) to requiring other training, techniques, or procedures as the research facility or the Secretary may feel is necessary. The research facility has the authority to require additional training under § 2.32(a) of the final rule. If we identify other areas of training that should be included in the regulations, we will publish a document in the Federal Register proposing to do so. We are removing the requirement for training in the common or accepted use of pain-relieving drugs in those species for which the drug is not licensed, in order to conform our regulations with the requirements of the Food, Drug, and Cosmetic Act. Finally, we have made minor modifications in the description of the areas in which we require training, to conform our language more closely with that used in the PHS Policy. We consider these changes to be nonsubstantive.

We are removing reference to an established reporting procedure whereby laboratory or research facility employees can report violations of the Act or regulations. The final rule requires training in methods for reporting deficiencies in animal care and treatment. As part of this training, research institutions may choose to establish formal procedures for reporting violations, and we encourage them to do so. However, we do not believe it is necessary to prescribe such a procedure in the regulations.

Attending Veterinarian and Adequate Veterinary Care

We initially proposed in March 1987, that research facilities, as well as other regulated entities, establish and maintain written programs of adequate veterinary care and provide a copy annually to APHIS for our review (initial proposal § 2.40). The requirement that research facilities provide adequate veterinary care is statutorily mandated. Section 13(a)(2) of the Act directs the Secretary to promulgate standards to govern the humane handling, care, treatment, and transportation of animals, including minimum requirements for adequate veterinary care (7 U.S.C. 2143(a)(2)(A)). Section 13(a)(3)(A) further requires that adequate veterinary care include the appropriate use of pain-relieving drugs in painful procedures or euthanasia (7 U.S.C. 2143(a)(3)(A)).

Our objective in requiring a program of adequate veterinary care was to ensure that research facilities attend to the health needs of animals, including disease control and prevention, pest and parasite control, pre- and post-procedural care, nutrition, euthanasia, and the appropriate use of pain-relieving drugs. Our objective in requiring that a written program be maintained was to provide a means of verifying that all aspects of veterinary care were covered by the facility's program, and to ensure upon inspection that research facilities were operating in compliance with their program requirements. We did not prescribe more precise requirements for addressing the areas that should be included in such a program, because, as we stated in the supplementary information accompanying the revised proposal, "[i]t is the responsibility of the dealer, exhibitor, or research facility to ensure that its program of veterinary care adequately covers those areas." (54 FR 10868)

In response to the March 1987 proposal, we received many comments critical of our requirement for a written program of veterinary care at facilities with full-time or staff attending veterinarians. As explained in the supplementary information accompanying the revised proposal, HHS suggested to us in the course of our consultation following publication of the 1987 proposal, that because institutions having a full-time attending veterinarian on staff would maintain written standard operating procedures covering their program of veterinary care, they should not be required to maintain a separate written program. They felt that this requirement would unnecessarily burden research facilities by requiring

duplication of effort with no additional benefit to animal welfare. We agreed with their position in the March 1989 revised proposal, and modified our proposed requirements to provide that the written program could be incorporated within the facility's standard operating procedure or other document. APHIS inspectors could then examine it on the premises, rather than requiring a separate submission.

Upon further consideration of the proposed requirements, we have determined that research institutions that employ a full-time attending veterinarian to administer the facility's program of adequate veterinary care, need not present to us a written program of veterinary care. They must maintain a program of adequate veterinary care, however, and are responsible for ensuring that adequate veterinary care is provided to the animals. The research facility must accordingly provide the attending veterinarian with appropriate authority to carry out the facility's program of veterinary care. The program of adequate veterinary care must include having appropriate facilities, personnel, equipment, and services to comply with the Animal Welfare regulations; appropriate methods to prevent, control, diagnose, and treat diseases and injuries, including emergency and weekend care; daily observation of all animals to assess their health and well-being; guidance by the attending veterinarian to personnel in animal care and use techniques, including the use of pain-relieving drugs and euthanasia; and adequate pre-procedural and post-procedural care. Upon inspection, APHIS inspectors will evaluate the appearance and condition of the animals as well as the facility, to determine whether the veterinary care program is adequate to ensure that proper care is being rendered, and whether the facility is in compliance with its program. Accordingly, we believe the revised language of § 2.33 in the final rule will achieve our objective of ensuring that proper veterinary care is provided to all animals.

Part-time attending veterinarians would be less likely to have the degree of oversight over compliance with the facility's program of adequate veterinary care that full-time attending veterinarians enjoy. For this reason, and for the reasons set forth in the supplementary information accompanying the March 1989 revised proposal, research facilities, as well as other regulated entities, that utilize an attending veterinarian on a part-time or consultant basis, are required to maintain a written program of adequate

veterinary care under the final rule. They must employ the attending veterinarian under formal, that is, contractual arrangements, that include regularly scheduled visits to the facility, to ensure that the program is properly implemented on an ongoing basis. The written program of adequate veterinary care should include such things as the facility's name and address; the attending veterinarian's name and address; provision for the different areas of care identified above as necessary for an adequate program of veterinary care; the system or method of euthanasia that will be employed and the personnel authorized to perform it; and the dated signature of the attending veterinarian and the Institutional Official. This document must be maintained by the facility and made available to APHIS inspectors in accordance with § 2.38(b) of the final rule.

We have modified the requirement for daily observation of animals to provide that someone other than the attending veterinarian may carry it out, provided that the research facility maintains a means of direct and frequent communication to the attending veterinarian so that care can be promptly provided. Such care should also include the humane disposal of sick, diseased, injured, lame, or blind animals, as would be required under revised proposal § 2.40(d), unless doing so is inconsistent with research purposes.

As explained under the subheading, "Committee membership," under the final rule, the attending veterinarian is not required to be a member of the Committee at those facilities employing more than one Doctor of Veterinary Medicine. A DVM with delegated program responsibility may also serve on the Committee, in accordance with the Act (7 U.S.C. 2143(b)(1)(A)).

Recordkeeping Requirements

Section 2.35 of the final rule consolidates the various recordkeeping requirements imposed upon research facilities in the revised proposal. Paragraph (a) requires that research facilities maintain Committee records, including minutes of Committee meetings, records of attendance, records of any Committee activities and deliberations, records of proposed activities involving animals and proposed significant changes in those activities, the Committee's disposition of the proposed activity, and the Committee's reports of reviews and evaluations prepared in accordance with § 2.31(c)(3) of the final rule. Any actions taken by a Committee member or subcommittee in carrying out their

duties under this part must be recorded in writing and maintained by the research facility as a Committee record. This includes reviews and evaluations as required under § 2.31(c), reviews of proposed activities as required under § 2.31(d), and any action taken regarding an activity involving animals under § 2.31(d).

As under the revised proposal, research facilities are responsible for maintaining all such records, and must do so for at least 3 years (final rule § 2.35(f)). We have added a requirement that records that relate to an approved activity be maintained for the duration of the activity plus an additional 3 years after completion of the activity (final rule § 2.35(f)). This requirement replaces the provisions of revised proposal § 2.81, as they relate to research facilities, which would prohibit research facilities from destroying or disposing of records for a period of 1 year without the written consent of the Administrator, and require that facilities maintain records pertaining to an animal for at least 1 year after the animal is euthanized. All records and reports must be available for inspection and copying by authorized APHIS or funding Federal agency representatives as under revised proposal § 2.35(b)(2)(i), and must be retained pending completion of an investigation or proceeding under the Act.

The remaining requirements for recordkeeping set forth in § 2.35 of the final rule are taken directly from § 2.76 of the revised proposal without change for the reasons set forth in the supplementary information accompanying the initial proposal and the March 1989 revised proposal.

Annual Report

The requirements imposed upon research facilities in completing and submitting their annual report are set forth in § 2.36 of the final rule. We have made conforming changes to reflect changes in terminology from the revised proposal. The requirements remain substantially as proposed in the March 1989 revised proposal, except as indicated and explained below.

We are revising the requirement that an explanation detailing and explaining any deviation from the standards and regulations be attached to the annual report (revised proposal §§ 2.30(g) and 2.31(b)(3)) and the requirement that a detailed statement on the procedures producing pain or distress and explaining the reasons pain-relieving drugs were not used be attached to the annual report (revised proposal § 2.31(b)(7)). The Act requires that each research facility report annually that the

provisions of the Act are being followed and that professionally acceptable standards are being followed during research or experimentation (7 U.S.C. 2143(a)(7)(A)). Section 13(a)(7)(B)(iii) of the Act further requires that research facilities provide, as part of their report, "an explanation for any deviation from the standards promulgated under this section." (7 U.S.C. 2143(a)(7)(B)(iii)). Upon reconsideration of our proposal, we have determined that requiring a summary and explanation of all exceptions to the regulations which indicates the number of animals, by species, that were affected by those exceptions, and requiring an explanation for the withholding of pain-relieving drugs in any painful procedure, will be sufficient to fulfill the requirements of the Act. If, based upon our review of the summaries attached to a facility's annual report, we determine that additional information is required in order to assess whether the facility is in compliance with the Act and regulations, we may request further documentation and detail. For this reason, and as explained above, under the heading, "Committee functions," we have revised the annual reporting requirements in the final rule to require a summary and brief explanation of all exceptions to the regulations, rather than a more detailed explanation.

We are removing the statement that would be required by the Chief Executive Officer or institutional official under revised proposal § 2.31(b)(9) regarding the authority of the Committee and the attending veterinarian to enter any animal or research area at any reasonable time in order to carry out their responsibilities, and that the facility complies with the Act, regulations, and standards. We received numerous comments in response to this requirement as proposed in our initial proposal of March 1987, objecting to it as redundant and unnecessary. In the supplementary information accompanying the revised proposal, we noted our general concurrence with the commenters' argument, however we felt an additional statement from the institutional official was warranted. Upon reconsideration, we agree with the commenters that the additional assurance does not provide any greater assurance of compliance, and that it may be removed. The research facility is responsible under the regulations for ensuring that the Committee and the attending veterinarian have sufficient authority to carry out their duties, therefore an assurance to that effect is subsumed in the assurances required under § 2.36(b)(1) that professionally

acceptable standards governing the care, treatment, and use of animals were followed, and under § 2.36(b)(3) that the facility is adhering to the standards and regulations under the Act. Accordingly, this additional assurance is removed in the final rule.

We are also removing the provision set forth in the revised proposal which would require that the institutional official certify that each member of the Committee was given an opportunity to express concurrence or nonconcurrence with the report and to attach a minority report. This provision is not mandated by the Act. In the supplementary information accompanying the revised proposal, we stated that we felt it was important that all members of the Committee be afforded an opportunity to express a minority or nonconcurring view to the Department (54 FR 10860-10861). We are removing this provision from the final rule because section 13(b)(4)(A)(iii) of the Act and § 2.31(c)(3) of the final rule expressly provide a mechanism for Committee members to express minority views and it is therefore unnecessary to require additional minority opinions in the annual report. All minority views of Committee members must be included in the Committee's twice yearly evaluation reports and made available to APHIS inspectors upon inspection.

Miscellaneous

1. *Access and inspection of records and property.* We received many comments from the research community objecting to the provisions of proposed § 2.126 which would require research facilities, as well as other regulated entities, to permit APHIS representatives to enter facilities during business hours for inspection purposes and to take photographs to document their findings. As explained in the supplementary information accompanying the revised proposal, there is ample statutory authority for this provision (54 FR 10877). We believe it is essential for enforcement purposes that APHIS have access to research facilities at all reasonable times. Accordingly, we have made no substantive change in our regulations in this regard. However, we are mindful that, in amending the Act, Congress did not authorize the Secretary to interrupt the conduct of actual research or experimentation during inspections (7 U.S.C. 2143(a)(6)(A)(iii), and APHIS inspections will be conducted in accordance with the statutory requirements.

2. *Inspection for missing animals.* We are removing the provision in the revised proposal which would allow

research facilities to limit access of law enforcement officers searching for missing animals to those not undergoing actual research or experimentation. We believe the proposed limitation on the authority of law enforcement officers would be inappropriate.

3. *Confiscation and destruction of animals.* We are making one change in the regulations concerning confiscation and destruction of animals held by research facilities. Under the revised proposal, APHIS officials would have authority to attempt to notify the research facility that an animal is found suffering and that the situation must be corrected or the animal euthanized, when the animal "is no longer required" to carry out the research, test, or experiment for which it was utilized (revised proposal § 2.129(a)). Section 2.38(e)(1) of the final rule broadens this authority by including animals that are not in actual use. Under the final rule, an APHIS official can require that the situation be corrected or may confiscate an animal when he or she finds that it is suffering due to noncompliance with the regulations, even if the animal is being held for future use. We believe that this provision is necessary as a means of minimizing animal suffering resulting from a facility's failure to comply with the regulations.

4. *Handling.* The revised proposal continued the prohibition set forth in the initial proposal of March 1987 against food or water deprivation as a means of training, working, or handling animals (revised proposal § 2.131). This provision prompted comments from the research community stating that it was unnecessarily restrictive and would interfere with research. HHS suggested that such practices be addressed by the principal investigator and reviewed by the Committee. As explained in the supplementary information accompanying the revised proposal, we decided to retain the prohibition to prevent inhumane practices (54 FR 10879). During our ongoing consultation with HHS and members of the IRAC, members of the IRAC stated that short-term food or water deprivation has become an accepted practice in incentive-reward training systems utilized by the research community, as well as exhibitors, and that if done in accordance with reasonable and customary professional practices, is not inhumane. Rather, they stated that short-term deprivation more closely approximates animals' natural feeding patterns in the wild, where they must hunt or forage for food.

We agree that certain short-term food or water deprivation may be an effective

and humane method of handling animals, however, it must be conducted with the approval of the research facility's Committee and monitored by the facility to ensure that it is reasonable and in accordance with professional practices.

Section 2.38(f)(2)(ii) of the final rule provides that short-term withholding of food or water is allowed when specified in a proposed activity and approved by the Committee. The animal care and use procedure specified in the proposal must include a description of the monitoring procedures that will be employed, to ensure the animal's welfare and compliance with the approved proposal. We believe that with these safeguards, short-term withholding of food or water will not endanger the animals or be inhumane.

5. *Compliance with standards.* We are revising the provision requiring compliance by research facilities with the regulations unless an exception to compliance has been specified and justified in the proposal to conduct an activity involving animals, and approved by the Committee. Section 2.100(a) of our initial proposal addressed the requirement for compliance by research facilities with the standards in part 3. We revised paragraph (a) in the March 1989 revised proposal by including § 2.131. Handling, in addition to the standards in part 3. This change was necessary because the regulations for handling are currently contained in part 3. Our proposals to amend part 2 have included uniform provisions for handling all the animals covered by the Act. Part 3 will now be amended by removing the separate provisions for handling found in the different subparts.

In the final rule, we have revised this provision by adding that exceptions to the regulations in subpart C—"Research Facilities," may also be made only when specified and justified in the proposal and approved by the Committee. This change merely restates § 2.31(d)(1) which requires that the animal care and use components of a proposed activity be in accordance with the Animal Welfare regulations unless acceptable justification for a departure is presented and approved by the Committee. We therefore consider this to be a nonsubstantive change.

Other Changes to Part 2

Section 2.27 Notification of Change of Operation

We are revising § 2.27(b) by removing the requirement that a registrant file an annual report. This change clarifies that registrants other than research facilities

are not required to submit annual reports.

Section 2.40 Attending Veterinarian and Adequate Veterinary Care

We are revising the requirements applicable to dealers and exhibitors concerning their attending veterinarian and program of adequate veterinary care. We are doing so for reasons similar to those explained under the heading, "Subpart C—Research Facilities, Attending Veterinarian and Adequate Veterinary Care." We initially proposed in March 1987, that dealers and exhibitors, in addition to research facilities, maintain written programs of adequate veterinary care and provide a copy annually to APHIS for our review. Dealers and exhibitors must comply with standards which require that they provide adequate veterinary care, in accordance with the Act (7 U.S.C. 2143(a)(2)(A)). We did not prescribe detailed program requirements for providing such care, other than that the program of veterinary care include disease control and prevention, pest and parasite control, pre- and post-procedural care, nutrition, and euthanasia, because, as we stated in the supplementary information accompanying the revised proposal, "[i]t is the responsibility of the dealer, exhibitor, or research facility to ensure that its program of veterinary care adequately covers those areas." (54 FR 10868).

In response to our initial proposal, we received numerous comments objecting to the regulations concerning the written program of adequate veterinary care, and stating that they would not be appropriate for entities having a full-time attending veterinarian on staff. We agreed with the commenters in part, and in the revised proposal modified the regulations to provide that dealers, exhibitors, and research facilities having a full-time attending veterinarian need only have a written program of veterinary care available for APHIS inspection on the premises. The written program could be included in another document.

We have reconsidered those comments and have revised the final rule to require that dealers and exhibitors employ, under formal arrangements, an attending veterinarian who shall provide adequate veterinary care. If the attending veterinarian is a full-time employee, the program of veterinary care need not be written. As stated above, it is the responsibility of the dealer or exhibitor to ensure that adequate veterinary care is provided. If, upon inspection, we determine from the

appearance and condition of the animals and premises that adequate veterinary care is not being provided, we will find the dealer or exhibitor in violation of the Act and the regulations.

If a dealer or exhibitor employs a part-time or consultant attending veterinarian, the final rule requires that the formal arrangements include a written program of adequate veterinary care and regularly scheduled visits to the dealer or exhibitor (final rule § 2.40(a)(1)). This is because part-time attending veterinarians would be less likely to maintain the degree of oversight over the provision of veterinary care that full-time attending veterinarians enjoy. Employees of the dealer or exhibitor would require the guidance of a written program, and dealers and exhibitors must ensure that their personnel comply with the program.

The written program of adequate veterinary care should include such things as the facility's name and address; the attending veterinarian's name and address; provision for the different areas of care identified in the regulations; the system or method of euthanasia that will be employed and the personnel authorized to perform it; and the dated signature of the attending veterinarian and a responsible official of the dealer or exhibitor.

As under the requirements applicable to research facilities, we are modifying the requirement for daily observation of animals to provide that someone other than the attending veterinarian may carry out the requirement as long as a mechanism of direct and frequent communication is in place to keep the attending veterinarian informed. The final rule also specifically requires the availability of emergency, weekend, and holiday care.

Because we are consolidating the requirements to provide veterinary care to all regulated animals in this section, we are removing the requirements for providing veterinary care set forth in 9 CFR part 3 of the regulations.

Section 2.131 Handling

We are revising the handling regulations to allow exhibitors to withhold food or water on a short-term basis only. As explained above under the heading "Subpart C—Research Facilities, Miscellaneous," short-term food or water deprivation has become an accepted practice in incentive-reward training systems used by exhibitors. We proposed to prohibit any such deprivation because of our concern that such methods of training can be cruel and inhumane. We agree with members of the IRAC, however, that if

done in accordance with reasonable and customary professional practices, they are not inhumane. They may, in fact, more nearly approximate the animals' feeding patterns in nature. In order to ensure that deprivation is done on a short-term basis only, we are requiring that each animal receive by the end of each day, its normal daily intake of food and nutrition requirements, and that it is sufficient to meet the animals' dietary requirements.

Sections 3.111 and 3.135 of part 3—"Standards," subparts E and F provide handling requirements for marine mammals and warmblooded animals other than dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primates respectively. Section 3.135 was included as part of part 3, subpart F, which was added when Congress amended the Act in 1970 to include all warmblooded animals used for research or exhibition purposes, or sold as pets. Section 3.111 was added in 1979 when standards covering marine mammals were added to part 3. Subparts A through D do not contain comparable provisions. As stated in the supplementary information accompanying the proposed rule for part 2, published March 31, 1987, 52 FR 10306, our experience has demonstrated the necessity for handling regulations to protect the welfare of all animals covered by the Act, and to enable the Department to better prosecute cases of inhumane handling and treatment. Accordingly, § 2.131 of the final rule provides handling regulations applicable to all animals covered by the Act. Sections 3.111 and 3.135 are removed from part 3.

Public Comments

The revised proposal published March 15, 1989, solicited comments on the narrow issue of the interrelationship of the definitions and regulations in parts 1 and 2 of 9 CFR, chapter I, subchapter A, with the standards we proposed in part 3. As explained in that document, we did so to allow the public an opportunity to comment on parts 1 and 2 where they are inextricably intertwined with part 3, since the proposed standards had not been presented for public comment in March 1987, and to give the public the benefit of our most current thinking on how to implement the 1985 amendments to the Act in preparing their comments on the proposed standards. This continuation of the rule-making process enabled us to consider further the comments we received in response to our initial proposal, to look at additional regulatory alternatives, and to continue our consultation with the U.S. Department of Health and Human

Services and other Federal agencies interested in animal welfare, and to do so in light of the comments submitted on the interrelationship of the different parts of the regulations.

We solicited comments on the narrow interrelationship issue for a 60-day period, ending May 15, 1989. Comments that were postmarked or received by that date were considered in preparing this final rule. We solicited comments on the standards of part 3 for a 120-day period, ending July 13, 1989. Comments that were not timely for consideration in preparing final rules for parts 1 and 2 will be considered if they address the proposed standards or the regulations in general.

Five thousand five hundred eighty-two comments were timely received for consideration in preparing final rules for parts 1 and 2. Many comments concerned the Animal Welfare regulations generally or conceptually. We considered those comments in preparing this document since they address the Department's regulatory approach as a unit, and thereby implicate the interrelationship of parts 1, 2, and 3. Many comments went beyond the issue of the interrelationship of the three parts and duplicated previously stated concerns that the regulations, as proposed, would impose unnecessary additional administrative burdens upon research facilities and did not allow research facilities to utilize their existing internal procedures and lines of authority to accomplish our objectives. The comments also objected that many of the proposed recordkeeping and reporting requirements imposed upon regulated entities would be time consuming, costly, and unduly burdensome, without any corresponding benefit to animal welfare. Comments submitted by the research community continued to address the responsibilities and authority that would be imposed upon the Institutional Animal Care and Use Committee and the attending veterinarian under the revised proposal. These points were raised in response to our initial proposal of March 1987, and have had a profound and continuing impact on the development of alternative regulatory approaches. As such, they have been integrated into this final rule.

We address below the comments we received in response to the revised proposal of March 1989 concerning the interrelationship of parts 1, 2, and 3. Comments on the proposed definitions of terms as they apply to parts 2 and 3 are addressed in companion docket No. 89-130, published elsewhere in this issue of the Federal Register. Comments on

the regulatory impact analysis and the regulatory flexibility analysis prepared by the Department in accordance with Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), respectively, are addressed separately at the conclusion of this supplementary information.

General Comments on the Interrelationship of the Regulations

We received 303 comments (293 from members of the general public, 9 from the research or scientific community, and 1 from a dealer) expressing general support for the revised proposal, although one commenter from the general public stated that subpart C—"Research Facilities" was poorly organized and redundant. Subpart C has been revised in the final rule to include all requirements applicable to research facilities. We describe those changes under the heading, "Subpart C—Research Facilities," elsewhere in this document. Twenty-six commenters (19 members of the general public, 5 members of the research or scientific community, and 2 dealers) supported an increased budget for animal welfare matters. Three hundred fourteen commenters (41 members of the general public, 244 members of the research or scientific community, and 29 dealers) expressed general opposition to more stringent regulations, and one dealer commented that the budget should be reduced.

We believe these final regulations carry out the mandate of Congress, as expressed in the 1985 amendments to the Animal Welfare Act, that regulated persons be required to establish and maintain internal procedures that ensure the humane care and use of animals, and that they demonstrate their compliance with the Act to the Department.

Six hundred sixty commenters (652 members of the general public and 8 members of the research or scientific community) urged that the revised proposed rules be published as final regulations no later than June 15, 1989. In a civil action filed by the Animal Legal Defense Fund against the Department, the Office of Management and Budget, and the U.S. Department of Health and Human Services, seeking the publication of final regulations on parts 1 and 2 without further delay, we represented to the court that USDA would make the necessary changes in parts 1 and 2 of the regulations in consideration of the public comments and in consultation with interested Federal agencies within 30 days following the close of the comment period. As promptly as practicable,

USDA would submit the final rules to the Federal Register for publication. The enormous task of reviewing the large volume of comments we received in response to the March 1989 revised proposal, and the task of completing our consultation with HHS and other Federal agencies, have prevented us from publishing final rules on parts 1 and 2 by June 15, 1989.

In order to accommodate this timetable, and to achieve our objective of publishing final rules on parts 1 and 2 without further delay, we declined to extend the 60-day comment period, as some commenters requested. We received 614 comments (72 from members of the general public, 537 from members of the research or scientific community, 3 from exhibitors, and 2 from dealers) requesting that we reopen parts 1 and 2 for substantive comments. The primary impact of the changes made in the revised proposal was to reallocate responsibility for certain duties and obligations under the Act from the Committee and attending veterinarian at research facilities to the facility itself. These changes were made in response to the nearly 8,000 comments we received following the March 1987 proposal. We solicited additional comments on the issue of the interrelationship of the various parts of the regulations only, and did so in response to the comments we received following the March 1987 proposal. The additional changes we are making in this final rule reflect our further consideration of those comments as well as the comments we received on the interrelationship of the regulations. This final rule presents the Agency's response to the more than 13,000 comments we have received. We believe that final rules may now be promulgated without further delay.

Forty-two commenters (24 members of the general public, 17 members of the research or scientific community, and 1 dealer) wrote to express their opposition to the use of any animals in research. By way of contrast, 21 commenters (10 members of the general public and 11 members of the research or scientific community) wrote to express their support for the unrestricted use of animals in biomedical research, and 385 commenters (100 members of the general public, 283 members of the research or scientific community, and 2 dealers) expressed support for the responsible and caring use of animals in research when no scientifically valid alternative to animal use exists. We also received 739 comments (504 from members of the general public, 232 from members of the research or scientific community, and 3

from dealers) supporting provisions intended to reduce the suffering of laboratory animals. One member of the general public stated that laboratory animals should be relieved from any pain whatsoever.

In amending the Animal Welfare Act, Congress explicitly acknowledged that "the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals; * * * (7 U.S.C. 2131). At the same time, however, Congress determined that alternative testing methods that do not require animals are being developed that are faster, less expensive, and more accurate, and that eliminating or minimizing unnecessary duplication of experiments on animals can result in more productive use of Federal funds (7 U.S.C. 2151). In response to public concern for laboratory animal care and treatment, the 1985 amendments to the Act imposed restrictions on the use of animals so that pain and distress will be minimized whenever possible, alternatives to painful procedures will be considered and unnecessary duplication of experiments avoided, withholding of pain-relieving drugs will be limited to when scientifically justified, and adequate veterinary care will be provided. The 1985 amendments also prohibit using an animal in more than one major operative experiment unless necessary for scientific purposes or under other special circumstances (7 U.S.C. 2143(a)). These final regulations reflect the determination of Congress that while biomedical research using animals is necessary, regulations to ensure that such research is conducted responsibly and humanely are also necessary.

We received 984 comments (159 from members of the general public, 823 from members of the research or scientific community, and 2 from dealers) objecting that the revised proposal exceeds the statutory authority provided by the Act, and that it does not comport with the Congressional intent underlying the 1985 amendments. Five members of the research or scientific community stated that the regulations as proposed go beyond ensuring the humane care and use of laboratory animals.

The March 1989 revised proposal points out, in precise detail, APHIS's statutory authority for the proposed regulatory amendments. It does so in response to the comments we received to the March 1987 proposal objecting that APHIS lacked statutory authority for many of the proposed changes. The

revised proposal also demonstrated that the legislative history supports those changes. In this final rule, we have included specific references to our statutory authority, as we did in the supplementary information accompanying the revised proposal, to demonstrate that ample statutory authority for these final rules exists.

We received 476 comments (132 from members of the general public, 342 from members of the research or scientific community, and 2 from dealers) stating that the revised proposal consists of rigid engineering standards rather than performance standards, contrary to the directives of Executive Order 12498, which requires adherence to the policy guidelines established by the Presidential Task Force on Regulatory Relief. The Task Force expressed preference for performance-based or result-oriented regulatory standards, rather than precise engineering requirements, because the latter are generally considered cost-ineffective, especially when uniformly applied on a nationwide basis.

The regulations made final in this rule reflect our further consideration of the concerns raised by the commenters, and those expressed by other Federal agencies in the course of our consultation with them. Through the process of ongoing consultation with HHS and members of the IRAC, we explored additional regulatory alternatives that would allow regulated entities to develop internal procedures that accomplish our regulatory objectives. The flexibility allowed regulated persons under this final rule should allay the commenters' concern that we are imposing unnecessarily rigid engineering requirements at unwarranted expense. The final rule for part 2 imposes responsibility upon research facilities for ensuring compliance with the regulations and standards promulgated under the Animal Welfare Act. We will inspect those facilities and examine their records and reports to determine that they are fulfilling this responsibility.

Two hundred eighty commenters (74 members of the general public, 204 members of the research or scientific community, and 2 dealers) argued that the legislative history of the 1985 amendments to the Act indicates that APHIS's authority is limited to promulgating regulations that are consistent with the guidelines contained in the PHS Policy, issued by HHS pursuant to the Health Research Extension Act of 1985, and was not intended to result in significant cost increases for regulated entities. That Act

directs the Secretary of HHS, through the Director of the National Institutes of Health (NIH), to establish guidelines for the proper care and treatment of animals used in biomedical and behavioral research, including the establishment of animal care committees. Those guidelines are contained in the PHS Policy on Humane Care and Use of Laboratory Animals (PHS Policy). Two hundred thirty-seven commenters (66 members of the general public, 169 members of the research or scientific community, and 2 dealers) further suggested that if HHS and APHIS remain unable to agree on the nature and scope of our statutory authority the Attorney General should be requested to resolve the dispute in accordance with Executive Order 12146.

Three hundred fifty commenters (75 members of the general public, 273 members of the research or scientific community, and 2 dealers) protested that the revised proposal would radically alter established PHS and NIH policies, and were not supported by scientific evidence to justify doing so. Five hundred eleven commenters (132 members of the general public, 377 members of the research or scientific community, and 2 dealers) recommended that we adopt the PHS Policy to reduce duplication and avoid inconsistency between the regulations and the Policy. Ten members of the research or scientific community urged that we reconsider allowing research facilities to comply with either the Animal Welfare regulations, the PHS Policy, Food and Drug Administration regulations, or the American Association for the Accreditation of Laboratory Animal Care (AAALAC) accreditation standards. We received 365 comments (85 from members of the general public, 278 from members of the research or scientific community, and 2 from dealers) objecting that we did not coordinate with the Secretary of HHS in issuing the revised proposal. Two hundred sixty-three commenters (70 members of the general public, 191 members of the research or scientific community, and 2 dealers) further suggested that APHIS does not have the technical competence to promulgate these rules.

The Animal Welfare Act was passed by Congress in 1966, long before the Health Research Extension Act of 1985 and the PHS Policy existed. The Act has been amended several times, most recently in 1985, to reflect public concern over the care and treatment of animals used in research, and maintained or handled by dealers, exhibitors, carriers, and intermediate

handlers. Section 15(a) of the Act requires that the Secretary of Agriculture consult and cooperate with other Federal agencies in establishing standards, and consult with the Secretary of HHS before issuing regulations (7 U.S.C. 2145(a)). We have continued the consultation described in the supplementary information accompanying the revised proposal (54 FR 10837), in an effort to coordinate our requirements wherever it is consistent with our statutory mandate to do so. We believe that this final rule resolves all of the issues raised by HHS in response to our proposals to amend parts 1 and 2 of the regulations, and that it serves our mutual objectives of animal welfare.

Notwithstanding our desire to resolve our outstanding differences with HHS, we are mindful that Congress has entrusted the Department with responsibility for establishing minimum requirements to carry out its mandate, and for administering the Act because of our expertise in animal welfare matters. We are accountable to Congress and the public for doing so. By harmonizing our regulations with the HHS guidelines wherever doing so is consistent with the Act, we have developed final rules that allow those research facilities receiving funds under the Health Research Extension Act of 1985 to utilize their existing internal procedures where they satisfy the requirements of the Act. The modifications made in the final rule will also allow other research facilities greater flexibility in developing internal procedures which ensure that the objectives of the Act are satisfied. Modifications to the requirements imposed upon research facilities in the final rule are explained in detail under the heading, "subpart C—Research Facilities." Any outstanding differences remaining between the PHS Policy and these final rules are necessary to fulfill our statutory obligations, as directed by Congress.

We are not adopting the regulations of the Food and Drug Administration or the accreditation standards of AAALAC. Congress has mandated that we promulgate regulations implementing the Animal Welfare Act, and that we provide minimum standards for the humane care and use of laboratory animals. Standards or requirements promulgated by other agencies or associations do not accomplish our objective of ensuring compliance with certain minimum requirements. The PHS Policy and the AAALAC accreditation standards are guidelines for facilities that are either Federally funded or that desire accreditation status, respectively. We do not have the authority to enforce

them. Furthermore, the 1985 amendments require specific minimum standards, such as exercise for dogs and psychological well-being of nonhuman primates, that have no counterpart in the regulations of other agencies. We believe it is desirable to administer and enforce one uniform body of regulations at all research facilities regulated by the Act. We considered the regulations and guidelines of other agencies and research associations in developing our earlier proposals and these final rules, and have attempted to harmonize our mutual requirements wherever it was consistent with our mandate to do so.

Three hundred thirty commenters (66 members of the general public, 262 members of the research or scientific community, and 2 dealers) repeated the comment that APHIS has failed to show a rational connection between the proposed rules and the Agency record. As we stated in the supplementary information accompanying the revised proposal, we have been charged with the responsibility of administering and enforcing the Animal Welfare Act, and implementing regulations, since the Act was enacted in 1966. The proposed amendments to the regulations and the regulations promulgated in this final rule reflect our many years of experience in implementing the Act. We have determined where additional regulatory requirements are needed to ensure the safeguards intended by the Act are provided and to promote animal welfare. We believe that, upon implementation, these final rules will assist us in enforcing the Act and in preventing circumvention of its requirements.

We received 396 comments (100 from members of the general public, 294 from members of the research or scientific community, and 2 from dealers) stating that we did not respond fully in the revised proposal to the comments submitted in response to the March 1987 proposal, and that we did not provide sufficient reasons for declining to make changes suggested by the commenters. We disagree. Many months were devoted to reviewing the nearly 8,000 comment letters received. All of the comments were carefully considered, and many changes were made as a result of those comments. The rationale underlying our decisions to revise the proposed regulations, or not to revise them to include suggested changes, is explained in great detail in nearly 60 Federal Register pages, in the supplementary information accompanying the revised proposals for parts 1 and 2 (see 54 FR 10822–10832 and 54 FR 10835–10882).

Two commenters (1 dealer and 1 exhibitor) stated that the revised proposal is written in a manner that makes it difficult to understand and to comment upon. One of our stated objectives in revising the regulations is to make them easier to understand, thereby increasing compliance and making them more effective. We believe that we have accomplished this objective in the final rules for parts 1 and 2. If, upon implementation of the regulations, we determine that further clarification is necessary, we will provide it in a document published in the Federal Register. No further changes are made in the final rule based upon this comment.

We received a number of different comments objecting to the regulations on the grounds that they will impede research in various ways. We received 643 comments (104 from members of the general public, 534 from members of the research or scientific community, and 2 from dealers) objecting that the regulations in the revised proposal would unduly burden research with excessive paperwork, in contravention of the Paperwork Reduction Act. One member of the general public and 3 commenters from the research or scientific community noted, however, that the March 1989 proposal was carefully drafted to avoid unnecessary paperwork. Through our ongoing consultation with HHS and members of the IRAC, we have determined that certain paperwork and reporting requirements presented in the revised proposal can be coordinated with those already required under the PHS Policy, thereby reducing any additional burden that would be imposed upon grantee institutions. Certain other reporting requirements have been modified in the final rule to require less specific detail than originally proposed, and will also reduce the paperwork burden imposed upon research facilities. With these changes, explained in detail under the heading, "subpart C—Research Facilities," we believe we have reduced the paperwork and reporting requirements to the minimum necessary to effectuate the Act, and still enable us to administer the Act by determining whether research facilities are in compliance. We believe these regulations, as modified will not impede research.

We received 547 comments (103 from members of the general public, 442 from members of the research or scientific community, and 2 from dealers) stating that the revised proposal would interfere with research due to its rigidity, by not allowing the flexibility

and innovations necessary for the optimal care and treatment of animals. The final rules have been modified to allow research facilities greater flexibility in developing internal procedures to ensure compliance with the regulations. Ample opportunity for innovative research existed under the proposed rules, and is maintained in the final rules. The regulations provide for departures from the standards and regulations if justified by the principal investigator and approved by the Committee (final rule § 2.31(d)(1)). Under this provision, the research facility, through its Committee, is responsible for approving and allowing any innovations in research that are justified as necessary for scientific purposes. We do not agree with the commenters and believe that their concerns will not materialize upon implementation of the final rules.

Throughout this rulemaking process, we have remained cognizant that the Act proscribes the Secretary from interfering with research design or the performance of actual research. Section 13(a)(6) of the Act provides that "[n]othing in [the] Act (i) except as provided in paragraph (7) of [subsection (a)] shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility as determined by such facility; (ii) except as provided * * * shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the performance of actual research or experimentation by a research facility as determined by such research facility; * * * (7 U.S.C. 2143(a)(6)(A)(i) and (ii)). The regulations being promulgated today are necessary to effectuate the intent of the Act that animals used in biomedical research be provided humane care and treatment. They do not prescribe or interfere with research design or procedures.

Some commenters (28 members of the general public and 17 members of the research or scientific community) were concerned that the proposed regulations would result in research being conducted overseas, due to the added burdens and expense imposed upon the research community, and 5 commenters from the research or scientific community cautioned that the regulations will permit our competitors to overtake and surpass the lead we have enjoyed in biotechnology. We do not believe a significant amount of research activities will be conducted in other countries rather than the United

States as a result of these rules. We also do not perceive that Congress or HHS would provide Federal funds for research conducted abroad to avoid the requirements of the Animal Welfare regulations. Similar concerns were raised in 1966 and 1967 when the Animal Welfare Act was first enacted and regulations were promulgated to implement it. History has shown that these concerns were not borne out. To the contrary, tremendous advancements in human and animal health have been made possible through continued support for biomedical research. We are not making any changes in the regulations on the basis of these concerns.

Nor do we agree with the 83 commenters from the research or scientific community who stated that many of the proposed revisions could be used to eliminate animals from biomedical research altogether.

The 1985 amendments to the Act impose specific requirements upon research facilities, including provisions ensuring adequate veterinary care, proper use of pain-relieving drugs, consideration of alternatives to the use of animals and to painful procedures, exercise for dogs, and psychological well-being of nonhuman primates, and some costs will necessarily be associated with these changes. In enacting the amendments, Congress specifically found that the use of animals is instrumental in certain research and education (7 U.S.C. 2131(b)). Congress also determined that the benefit to society of providing for the humane care and use of animals in research justifies its attendant costs. We believe that these final rules effectuate the intent of Congress without imposing an unnecessary, unreasonable, or unjustified financial burden.

Twenty commenters (2 members of the general public and 18 members of the research or scientific community) expressed concern that the proposed regulations, as revised in the March 1989 proposal, would discourage young people from entering medical research fields. We disagree. The requirements of the Animal Welfare Act to reduce pain and distress to animals, to reduce unnecessary duplication of experiments, to encourage development of alternative methods of research, and to provide a more humane environment for animals used in biomedical research, will not discourage young people from entering the field of medical research. We believe that greater concern for the humane care and use of animals may in fact encourage new scientists and foster

greater support for biomedical research throughout our society.

One hundred eighty-three commenters (6 members of the general public and 177 members of the research or scientific community) protested that many of the proposed revisions to the regulations appeared to be a direct reaction to a vocal minority in the animal rights movement, whose purpose is to eliminate the use of animals in research entirely. This is a misperception. As noted above, the Act specifically states that "the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals; * * * (7 U.S.C. 2131(b)). In passing the 1985 amendments to the Act, Congress responded to the concerns of the American public regarding the use of animals in biomedical research, and stated that alternatives to the use of animals should be encouraged, and unnecessary duplication of experiments on animals avoided (7 U.S.C. 2131(b)). These final regulations reflect the mandate of Congress that while animal experimentation shall continue, humane methods of animal care and use be implemented by biomedical research institutions.

We received 419 comments (74 from members of the general public, 223 from members of the research or scientific community, and 2 from dealers) stating that research would be impeded if research protocols and records are made part of the public record and subject to Freedom of Information Act (FOIA) requests. The commenters were concerned that public availability of this information would divulge trade secrets and would subject researchers to harassment. Forty-six commenters (5 members of the general public and 41 members of the research or scientific community) were concerned with terrorist acts against researchers and their families as a result of public disclosure under the FOIA. One member of the research or scientific community stated that such records should be made part of the public record.

The regulations, as revised in this final rule, require that a summary of exceptions to the standards and regulations be attached to the research facility's annual report (final rule § 2.36(b)(3)). Neither the research "protocol", nor the animal care and use procedure that will be followed in carrying out the research, is required in the annual report. APHIS inspectors are authorized to inspect such records under the Act, but there is no requirement in the final regulations that the records be

submitted to and maintained by APHIS as a regular practice. Therefore, these records generally are not agency records available under the Freedom of Information Act. Furthermore, APHIS records of inspections (VS Form 18-8) and the annual reports submitted by research facilities list animal use sites at research facilities. They do not list researchers by name and address. We believe the commenters' concerns are unwarranted, and that no further change is needed in the final rule.

Three hundred twenty-six commenters (93 members of the general public, 231 members of the research or scientific community, and 2 dealers) asserted that under the revised proposal, an adversarial relationship between veterinarians and researchers would result. We do not agree with this characterization. We revised our initial proposal to clarify areas of responsibility to avoid potential conflict, and to ensure that provision is made for proper veterinary care in the planning and conduct of animal care and use procedures. This allocation of authority by the research facility to the attending veterinarian is maintained in the final rule. Section 2.33(a)(2) requires that a facility's attending veterinarian be given appropriate authority to ensure that adequate veterinary care is provided, and to oversee animal care and use. These areas are within the expertise of doctors of veterinary medicine. In recognition of this fact, section 13(a)(3)(C) of the Act requires that a veterinarian be consulted in planning a potentially painful procedure (7 U.S.C. 2143(a)(3)(C)), and the final rule reflects this determination of Congress (final rule § 2.33). As we stated in the revised proposal, we do not regard this interaction as an impediment to research, but rather as a necessary ingredient of the research facilities' commitment to assuring animal welfare.

We received 269 comments (78 from members of the general public, 189 from members of the research or scientific community, and 2 from dealers) stating that the Secretary does not have the authority to establish committees with power to review or disapprove of research protocols for any reason, since this authority would deprive researchers of the scientific discretion necessary for the conduct of research. The revised proposal was explicitly clear that Committees would be authorized to review the animal care and use procedure to be employed in a proposed research activity, in accordance with the requirements of the Act, and that this authority did not extend to research "protocol" approval. It is the mandate of

Congress that Committees assess animal care, treatment, and practices (7 U.S.C. 2143(b)(1)).

As we explained in detail in the supplementary information accompanying the revised proposal, it is necessary that Committees review the animal care and use procedures proposed to be followed in the conduct of research in order for a research facility to assure us that it is in compliance with the Act and regulations. This authority is limited to the animal care and use portion of a proposal to determine how the research will treat or affect an animal and its condition, and the circumstances under which the animal will be maintained. It does not extend to evaluating the design, outlines, guidelines, and scientific merit of proposed research (54 FR 10849). We have attempted to clarify this point further in the final rule, and put such concerns to rest, by stating that the Committee shall function as an agent of the research facility (final rule § 2.31(c)). In that capacity, the Committee shall review those components of proposed activities, or proposed changes in activities, related to the care and use of animals and determine that they are in accordance with the Animal Welfare regulations unless otherwise justified (final rule § 2.31(d)(1)).

We received 254 comments (70 from members of the general public, 182 from members of the research or scientific community, and 2 from dealers) stating that APHIS's regulatory role should be limited to detecting deviations from approved activities, and should not extend to formulation of proposals. Upon implementation of the final rules, APHIS's role will be to administer and enforce the Animal Welfare Act and regulations to ensure compliance. The Act itself provides that certain procedures and safeguards must be followed in research involving potentially painful procedures in order to ensure the humane care and use of animals and that adequate veterinary care is provided (7 U.S.C. 2143(a)(3)). Our regulatory authority extends to ensuring that these procedures and safeguards are adequately addressed and adhered to. We repeat here, for the benefit of the commenters, that we acknowledge the limitation on our authority to promulgate rules, regulations, or orders with regard to the design, outlines, guidelines, or performance of actual research (7 U.S.C. 2143(a)(6)(A)).

Four hundred eighty-five commenters (68 members of the general public, 315 members of the research or scientific

community, and 2 dealers) objected to the tone of our March 1989 regulatory proposals, stating that they imply that research (and researchers) is (are) unethical. We do not intend to imply any ethical judgments in these regulations. In amending the Act in 1985, Congress determined that "the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals; * * * (7 U.S.C. 2131(b)). However, Congress also determined that certain measures must be prescribed and followed by research facilities to "help meet the public concern for laboratory animal care and treatment * * * (7 U.S.C. 2131(b)). We are promulgating these regulations which govern the care, use, treatment, and handling of warm-blooded animals by research facilities and other entities, to carry out the mandate of Congress.

Comments on Specific Interrelationships Between Parts 2 and 3

We received 392 comments (95 from members of the general public, 295 from members of the research or scientific community, and 2 from dealers) stating that part 1 (Definition of terms) and part 2 (Regulations) of the regulations should not be made final without the final rule for part 3 (Standards), because they are interdependent. We also received 249 comments (68 from members of the general public, 177 from members of the research or scientific community, and 4 from dealers) stating that parts 1 and 2 should not become final without part 3 in order to be cost-effective.

We have considered the public's comments on the interrelationship of the regulations and standards and have revised the final rule accordingly. We believe that parts 1 and 2 of the regulations can be effectively implemented without further delay. Standards governing the humane handling, care, treatment, and transportation of the warm-blooded animals covered by the Act are contained in part 3 of the regulations. Although we are proposing to amend those standards, we believe that these final rules can now be implemented using the existing standards. Prompt implementation of these final rules will carry out many of the provisions for animal welfare mandated by Congress in amending the Act. No further delay is necessary to ensure that adequate veterinary care is provided to all animals under the Act and that pain-relieving drugs are used where appropriate.

Comments on the interrelationship of the terms contained in parts 2 and 3 of the regulations that are defined in part 1 are discussed in companion docket No. 89-130, published elsewhere in this issue of the *Federal Register*. In that document, we address comments suggesting that additional definitions or clarifications are necessary.

We received 480 comments (478 from members of the general public and 2 from members of the research or scientific community) expressing support for parts 1 and 2 as they relate to part 3.

Three dealers and one member of the general public requested that we clarify when an exhibitor should be registered under part 2, subpart B, or licensed, in accordance with subpart A and the term, "Class 'C' licensee." Persons who meet the definition of the term "Exhibitor" provided in § 1.1 of the final rule must obtain a Class "C" license if their business involves the showing or displaying of animals to the public. Section 2.25 requires that all other exhibitors register in accordance with the requirements of subpart B of the final rule, unless they are exempt from the licensing requirements under section 3 of the Act. Section 3 exempts "any retail pet store or other person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility * * * (7 U.S.C. 2133). We believe that the definitions provided in the final rule for "Exhibitor" and "Class 'C' licensee" are clear, and that no further clarification of the registration regulations in subpart B are necessary.

One member of the research or scientific community requested that we clarify the Committee's responsibility regarding animals that are not covered by the Act. The Animal Welfare Act and regulations apply only to regulated animals. The term "animal" is defined in the final rule for part 1 for purposes of these regulations. The Committee has no responsibilities under these regulations for animals that are not covered by the Act.

We received several comments objecting to the requirement of revised proposal § 2.30(g) which would require that exceptions to the standards and regulations be permitted by research facilities only when necessary in order to accomplish the research design, specified in the proposed animal care and use procedure submitted to the Committee for approval, explained in detail, and approved by the Committee. Paragraph (g) provided that the principal

investigator must first file a report with the Committee "explaining the areas of noncompliance in detail." Three commenters (1 member of the general public and 2 members of the research or scientific community) objected that requiring a detailed explanation of deviations or exceptions to compliance with the regulations and standards will delay research.

The Act requires that exceptions to the standards be allowed only when specified by research protocol (7 U.S.C. 2143(a)(3)(E)). Any such exceptions must be detailed and explained in the research facility's annual report and filed with the Committee (7 U.S.C. 2143(a)(3)(E)). It is the responsibility of the research facility to ensure that it is in compliance with the Act and regulations. In order to do so the final regulations provide that the Committee, as an agent of the research facility, shall review all proposed activities and proposed changes on ongoing activities, to determine whether they are in compliance, or whether an exception is justified. Under the final rule, the principal investigator must present an acceptable justification for the exception, in writing. A summary of all such exceptions must also be attached to the facility's annual report in accordance with the requirements of the Act (final rule § 2.36(b)(3)). We believe that the burden imposed upon principal investigators in explaining how their proposal departs from the regulations and standards, and justifying the proposed exception, is reasonable and necessary to keep the institution informed of research activities and in compliance with the Act. The final rule provides means by which the research facilities can ensure that Committee review is provided without undue delay. We do not believe that this requirement, as revised in the final rule, will delay research.

Four members of the research or scientific community objected to the term, "areas of noncompliance" and suggested that we refer to "scientifically justified exceptions to the standards" instead. As noted briefly above, and explained in greater detail under the heading, "subpart C—Research Facilities", § 2.31(d)(1) of the final rule is revised to require that the Committee review proposed activities to determine that the animal care and use components of those activities are in accordance with the regulations, "unless acceptable justification for a departure is presented; * * * (final rule § 2.31(d)(1)). This language is consistent with the PHS Policy and is more appropriate, since an approved departure from the regulations would

not be deemed a violation of the Act, as the term "noncompliance" may connote.

One member of the research or scientific community objected to considering scientifically necessary exceptions to the regulations as being areas of noncompliance or deviations which must be explained in detail by the principal investigator and included in a written report that is attached to the annual report. As noted above, the Act requires that exceptions to the standards be explained in a written report and included in the research facility's annual report (7 U.S.C. 2143(a)(3)(E)). Under the final rule, therefore, the research facility must assure that it has required "that exceptions to the standards and regulations be specified and explained by the principal investigator and approved by the IACUC." (Final rule § 2.31(d)(3)). We are requiring that a "summary of all such exceptions * * * be attached to the annual report (final rule § 2.36(b)(3)). The terms "areas of noncompliance" or "deviations" used in the revised proposal are referred to as "departures" from the regulations, or "exceptions" in the final rule, for the reason set forth immediately above. Therefore, scientifically necessary exceptions must be explained by the principal investigator and described, in writing, in the facility's annual report, contrary to the commenter's assertion.

Four commenters (2 members of the general public and 2 members of the research or scientific community) opposed the requirement that written reports of exceptions to the standards and regulations be attached to the annual report, as required under revised proposal § 2.30(g). This requirement is statutorily mandated, as set forth above, and is retained in the final rule (final rule § 2.31(d)(3)). We have modified it to require summaries of such exceptions, however, as explained in greater detail under the heading, "Subpart C—Research facilities", subheading, "Annual report."

We received 628 comments (619 from members of the general public and 9 from members of the research or scientific community) endorsing the requirements of revised proposal § 2.30(h), "Exercise for dogs and psychological well-being of nonhuman primates." It would require that "[t]he research facility shall establish, in consultation with the attending veterinarian, written procedures and systems for the exercise of dogs and for the psychological well-being of primates in accordance with the regulations and standards, and a record system documenting that such a procedure or

system is being carried out." We also received 203 comments (198 from members of the general public, 4 from members of the research or scientific community, 1 from a dealer) supporting the requirement for documentation of the release of dogs for exercise (revised proposal § 2.30(h) and proposed § 3.07(d)), and 193 comments (189 members of the general public and 4 members of the research or scientific community) supporting the requirement for documentation of primate exercise and psychological well-being (revised proposal § 2.30(h) and proposed § 3.81(c)). Fourteen commenters (1 member of the general public and 13 members of the research or scientific community) opposed the requirement for written procedures and record systems, and 303 commenters (74 members of the general public, 227 members of the research or scientific community, and 2 dealers) stated that the requirements of revised proposal § 2.30(h), if included in the final rule, could not be met in the absence of the standards set forth in part 3. In addition, although the revised proposal made clear that the procedures may be included in the facility's standard operating procedure and need not be a separate document, members of the IRAC expressed concern in the course of our consultation, that the requirement for written procedures for the exercise of dogs and recordkeeping systems for documenting exercise would be administratively burdensome.

We proposed that recordkeeping systems be maintained to ensure compliance, since exercise could not otherwise be verified. We continue to endorse this approach, as stated in the supplementary information accompanying the revised proposal. However, requirements for exercise of dogs and for promoting the psychological well-being of nonhuman primates will, upon publication of a final rule, be set forth in subparts A and D of part 3 of the regulations. Until the proposed regulations for part 3 are published as a final rule, there are no such procedures and systems to record. We believe that making this requirement of part 2 final before the promulgation of standards for exercise and psychological well-being would be premature, confusing, and difficult to enforce. We are therefore removing from the final rule for part 2 the requirement that a record system documenting that a procedure or system for exercise of dogs and for the psychological well-being of nonhuman primates be established, pending promulgation of a final rule for part 3.

Three members of the research or scientific community commented that all Federal research facilities should be covered by the regulations. The Act provides that Federal research facilities shall establish Committees having the same composition and responsibilities required at nonfederal research facilities (7 U.S.C. 2143(c)). It also provides that Federal research facilities shall comply with the standards and requirements promulgated under Section 13 (a), (f), (g), and (h) of the Act (7 U.S.C. 2144). (This section reference appears in the Act as Section 13 (a), (g), (h), and (i) due to a drafting error which created two paragraphs designated as (f).) Although we do not exercise authority to inspect Federal research facilities, they must comply with the standards promulgated under the Act. The requirement that Federal facilities maintain Committees having the same composition, duties, and responsibilities required of other research facilities is contained in § 2.37 of the final rule.

Two members of the research or scientific community commented that pounds and shelters should be regulated under the Act. We do not have authority under the Act to regulate governmentally owned and operated pounds and shelters. We do regulate private or contract pounds and shelters, however, if they meet the definition of a dealer, as set forth in final rule § 1.1. Regulations governing their operations are set forth in § 2.132 of the final rule.

Two hundred forty-two commenters (67 members of the general public, 173 members of the research or scientific community, and 2 dealers) objected to the revised proposal arguing that there is no proof that large numbers of stolen animals end up at research facilities. Certain of the provisions in the regulations are intended to prevent this from occurring (*see, e.g.*, final rule §§ 2.38 (d), (j), (k), 2.60, 2.101)).

One of the original findings of Congress underlying enactment of the Animal Welfare Act in 1966 was the need "to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen." (7 U.S.C. 2131(b)). This is still a valid concern of Congress and the public, and therefore the Department. Regulations intended to prevent the sale of stolen animals to research facilities and the use by research facilities of stolen animals are therefore included in the final rule for part 2.

Public Comments on Regulatory Impact Analysis and Regulatory Flexibility Act Analysis

The anticipated economic impact of implementing the 1985 amendments to the Animal Welfare Act has generated much interest, discussion, and controversy. The Department conducted a regulatory impact analysis of the proposed rules as required by Executive Order 12291. The analysis determined that implementation of the proposed rules would have a cost impact in excess of \$100 million on the economy, thus it would be a "major rule." The analysis of cost impacts was based on our best assessment; available information indicated that the costs to regulated establishments would amount to \$207 million for annual operating expenditures and \$876 million for capital investments.

We received 632 comments (3 from the research community, 2 from dealers, and 627 from the general public) noting that the regulatory impact analysis contained "overinflated" cost estimates. Only 1 of the comments from the general public provided detailed information of compliance costs for each new provision in the proposed rules. The rest of the comments contained a formatted statement indicating that costs in the analysis were "overinflated" and the proposed rules asked for nothing more than a well-run animal facility already provided for regulated animals.

We also received 270 comments (91 members of the general public, 177 members of the research or scientific community, and 2 dealers) noting that the cost estimates in the regulatory impact analysis were too low. Again, only 1 commenter from the research community provided detailed information and different compliance cost estimates of implementing the proposed rules. The commenter estimated that implementation of the proposed rules will cost regulated establishments more than \$450 million annually plus a capital investment of at least \$1.6 billion over the next several years.

In conducting the regulatory impact analysis, the Department decided early in the analysis that attempting to construct a coherent analytical framework to estimate potential compliance costs was inappropriate. Time and resources did not allow the traditional economic approach of conceptualizing and estimating an analytical framework. Also, a single framework would not have provided all useful answers to all questions on anticipated cost impacts because of the

complexity of factors being measured, the lack of statistical data sources, and the diversity of regulated establishments. Instead, the Department relied on several informational sources such as expert opinion from across the country, our inspection of regulated sites, and our own experience in administering the Animal Welfare regulations. The cost estimates represented best efforts by the Department and are not to be construed as exact estimates of compliance due to obvious limitations, as stated in the analysis.

However, we disagree with those commenters who stated that the potential costs on regulated establishments were "overinflated." The proposed rules contained many new animal welfare provisions required by the statute which are not presently prescribed in the existing regulations. Compliance with these new provisions will require regulated establishments to update their facilities and practices so that the level of humane care and treatment afforded to regulated animals will increase. The derivation of cost estimates provided by the commenter from the research community which doubled the cost estimates in the regulatory impact is also subject to data and analytical constraints. Furthermore, the commenter provided insufficient detail, methodology, and data to support its cost estimates. We believe that these cost estimates represent a "worst case" scenario of implementing the proposed rules.

Sixty-six commenters from the general public, 168 commenters from the research or scientific community, and 2 dealers stated that the regulatory impact analysis did not contain sufficient detail to explain the discrepancies between the Department's cost estimates (referenced above), and those submitted by a commenter from the research or scientific community. The regulatory analysis provides an internal mechanism for the Department to promulgate new rules or revise existing rules based on information which is available to the Department. It is impossible for the Department to compare its own findings in the regulatory analysis with those provided by a commenter after the proposed rules have been made public.

Four hundred ninety-two commenters (275 from the research or scientific community, 114 from the general public, and 3 dealers) stated that the proposed regulations would inflate the cost of animal research making it cost prohibitive. Two hundred sixty-one commenters (68 members of the general

public, 168 members of the research or scientific community, and 25 dealers) also stated that the proposed rules will cost too much to implement and will put small dealers out of business. Two hundred forty-three commenters (66 members of the general public, 175 members of the research or scientific community, and 2 dealers) also stated that the proposed rules will cost too much and will put small researchers out of business. In addition, 70 commenters from the general public, 179 commenters from the research community, and 2 dealers were shocked that the Department discounted the impact of the proposed rules believing that no establishment would abandon the use of animals in biomedical research due to increased compliance costs. Most of these commenters also stated that the increased costs for animal research are important, and when coupled with the delay in research advances, would make the real costs staggering.

The regulatory review has indicated that a cost impact on animal research and small entities would occur. Moreover, the regulatory review has also indicated that the cost impact of the regulations result from the implementation of the new provisions in the 1985 amendments to the Animal Welfare Act. The Department has not discounted the potential economic effects of the proposed rules on biomedical research using animals as mere cost increases. We have acknowledged that the overall impact on biomedical research is difficult to assess. Whether biomedical research facilities would abandon the use of animals depends on the extent of compliance costs to be imposed on each facility. Biomedical research facilities vary extensively as to their research needs, operations, animal premises, and their inventory of regulated species.

In developing final rules, the Department has considered and will continue to consider regulations that will impose the least cost on regulated establishments within statutory goals. The Department does not consider the regulations to be imposing prohibitive costs on regulated establishments. Most facilities meeting or exceeding present compliance requirements may not be greatly impacted by the regulations, except for the new provisions as stated in the amendments.

Two hundred ninety-two commenters (72 members of the general public, 178 members of the research or scientific community, and 2 dealers) indicated that the Department has failed to do a cost-benefit analysis as required by Executive Order 12291. Ninety-three

members of the general public, 301 members of the research or scientific community, and 2 dealers stated that the regulations provided no benefit to animals or improvements in animal care.

The general requirements for a regulatory impact analysis under Executive Order 12291 of proposed federal rules require that costs and benefits be identified and examined. They also require that regulatory objectives be chosen to maximize net benefits to society or involve the least cost to society. The regulatory analysis examined the presence of benefits to society and animals arising from the regulatory proposals and indicated that these benefits could not be properly quantified. In the absence of actual dollar figures for benefits, it was impossible to estimate the net potential benefits from the regulations.

The Department disagrees with the opinion that animals will not receive improved animal care or benefits under the proposed rules. There has been considerable scientific data and increased public opinion that supports the intent of Congress to increase the level of animal care and treatment afforded to animals in regulated establishments. Requirements that provide for better and enriched animal housing environments, appropriate veterinary care, procedures that minimize animal pain and discomfort, and alternatives to animal research are some of the factors which support the increased level of welfare and benefits to regulated animals.

Seventy-four commenters members of the general public, 172 members of the research or scientific community, and 2 dealers stated that the Department has failed to consider alternatives that will achieve statutory goals and involve the least cost to society. The Department disagrees with these commenters. In developing the proposed rules, the Department has sought comments and input from the regulated establishments, the general public, and interested Federal agencies. Previous proposals contain extensive discussion and explanation of alternative provisions for each new revision or change required by the amendments. The Department will also finalize rules after all relevant factors are considered, including least costly alternatives, in achieving statutory goals.

Statutory Authority

This rule is issued pursuant to the Animal Welfare Act (Act), as amended, 7 U.S.C. 2131-2157. Congress recently added significantly to the Secretary's responsibilities under the Act,

particularly with regard to the use of animals by research facilities, in the Food Security Act of 1985, Public Law No. 99-198, approved December 23, 1985. The declared policy of the Act is to ensure that animals intended for use in research facilities, as pets, or for exhibition purposes, are provided humane care and treatment; to assure the humane treatment of animals during transportation; and to prevent the sale of stolen animals.

The Act requires that animal dealers and exhibitors obtain a license from the Secretary, and that research facilities, carriers, and intermediate handlers register with the Secretary. The Act directs the Secretary to issue specific regulations concerning, *inter alia* recordkeeping, veterinary care, handling, transportation, identification of animals, and holding period requirements. In addition, the 1985 amendments require the Secretary to issue expanded regulations governing the use of animals in research facilities. Section 21 of the Act continues to authorize the Secretary to issue such regulations as he deems necessary to effectuate the purposes of the Act.

The recent amendments mandate that these regulations are to include standards for care, treatment, and practices in experimental procedures which will minimize pain and distress. The Secretary is to require that researchers consider alternatives to painful procedures and that, with regard to painful procedures, researchers must consult a veterinarian; use adequate tranquilizers, anesthetics, and analgesics; and provide for adequate pre- and post-surgical care. Moreover, exceptions to these standards may be made only when specified by research protocol and explained in a report mandated in the Act.

The Act also mandates that the Secretary issue regulations requiring research facilities to show and report that they are complying with the Act and that they are following professionally acceptable standards in the care and treatment of animals during research. The Act directs the Secretary to require each research facility to establish a committee to assess the facility's use and treatment of animals. The Act specifies the composition of the committee, including the requirement that each committee must be composed of at least three members and that each committee must have at least one member who is a veterinarian and at least one who represents the community interest in proper animal care. The Act mandates many of the committee's responsibilities, including that it inspect

and report at least semi-annually on the condition and use of animals and report any violations of the standards. The Secretary is also to require each research facility to provide training for all personnel involved in animal care.

This rule contains regulations required by the 1985 amendments as well as modifications to existing regulations based on the Department's experience in administering the Act.

Executive Order 12291

The Department has examined the economic impact of this final rule in accordance with Executive Order 12291.

Amendments to the Animal Welfare Act require changes in the existing Animal Welfare regulations. The Department has finalized revisions to part 2 of the Animal Welfare regulations under its statutory authority. The final regulations for part 2 contain revisions and new requirements intended to improve the welfare of animals and the regulated public's understanding of the regulations, thereby increasing compliance and effectiveness. In developing these regulations, the Department has given full consideration to the input and comments received from regulated establishments, the general public, and interested Federal agencies to previous alternative regulatory proposals. These regulations are consistent with and do not contradict other Federal regulations, policies, or guidelines on laboratory animal care, use, and treatment practices.

The regulatory analysis focuses on the changes to part 2 of the Animal Welfare regulations required by the amendments. The analytical emphasis is on the incremental costs to be imposed on regulated establishments (research facilities, breeders, dealers, and exhibitors) when these regulations become effective. These compliance costs are attributed to the statute itself and are mainly due to new requirements for the establishment and maintenance of institutional animal care and use committees in research facilities, programs of adequate veterinary care, and the use of procedures to ensure that animal pain and distress are minimized.

Revisions to part 2 of the regulations will require Federal and nonfederal research facilities to spend between \$43.5 and \$132.8 million in capital expenditures to renovate, equip, replace, or construct aseptic surgical facilities, and provide for adequate pre-operative and post-operative care of animals. Only those facilities performing surgery on regulated species of animals will be affected. A range is provided because the Department is unaware of the degree

to which research facilities currently comply with these standard veterinary procedures in the absence of specific regulations. The Department estimates \$33 million in additional annual compliance costs for Federal and nonfederal research institutions to comply with the new regulations and requirements for the operation of the institutional animal care and use committees, increased responsibilities for attending veterinarians, and increased recordkeeping requirements. These costs represent additional costs for laboratory personnel and the need for additional personnel in research facilities.

Overall, the Department does not anticipate a significant economic impact from part 2 of the regulations on biomedical research, testing, and education, since current outlays are estimated to be in excess of \$14 billion per year. In terms of annual compliance costs, the regulatory impact on biomedical research would account for far less than one percent (0.2%) of the aggregate annual outlays. However, there could be small, but important, implications and distributional effects associated with allocating additional funds or expenditures for compliance with the regulations.

Licensees (breeders, dealers, and exhibitors) would be required to spend an additional \$0.6 million to comply with the revised requirements for licensing, animal identification, and adequate veterinary care. With the exception of increases in annual license fees, the additional cost of these new requirements are also attributed to the statute itself. These additional costs would not have any adverse effects on the ability of licensees to continue animal ventures and the implementation of the regulations will assist the Department by enhancing traceability of animals purchased, sold or transported. These costs could also be passed on to other regulated establishments or consumers who purchase their animals.

Other economic impacts that are examined but not quantified in this analysis include the benefits which would result from increased levels of humane care and treatment of animals used for research, testing, teaching, exhibition and business ventures. The main intent of the amendments and the regulations is to increase the welfare of animals. Direct benefits accrue to society based on perceptions of increased improvements in the manner in which animals would be cared for under the new regulations. Animal research will benefit from the avoidance of unnecessary duplication of animal

experiments or protocols, increased exchange of technical information, and the renewed emphasis on and interest in the use of scientifically and economically feasible alternatives to animal experimentation.

Based on the analysis of potential cost impacts, the Department has determined that implementing parts 1 and 2 of the regulations may constitute a "major rule." The estimated total additional compliance costs for part 2 of the regulations are treated together with the economic implications that part 3—"Standards" may have on regulated establishments. The amendments mandate changes in animal housing, environmental enrichments, and exercise and socialization of dogs. Available information indicates that the bulk of the regulatory impact will be due to new requirements for the exercise of dogs and a physical environment that promotes the psychological well-being of non-human primates, specific provisions required by the amendments. The Department considers the changes in all three parts of the Animal Welfare regulations will be a "major rule" based on anticipated cost increases in excess of \$100 million for animal uses, care, and treatment. For that purpose, the Department has considered and will continue to examine least cost feasible alternatives, whenever appropriate and within statutory goals, in developing the final Animal Welfare regulations.

Regulatory Flexibility Act

The Department has analyzed the potential impact on small entities of this final rule for part 2 of the Animal Welfare regulations as required by the Regulatory Flexibility Act (Pub. L. 96-354).

Based upon our analysis, the Department determines that this final rule could affect all small regulated entities, primarily by increases in annual license fees, and identification requirements for dogs and cats. However, the economic impacts would not be significant. The greatest economic burden of this rule would be imposed on large regulated entities and large research facilities. It is anticipated that the largest economic impact on small entities would result from changes in part 3—"Standards." Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance

under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR part 3015, subpart V.)

Paperwork Reduction Act

The information collection and recordkeeping provisions that are included in the final rules amending 9 CFR parts 1 and 2 have been submitted for approval to the Office of Management and Budget (OMB), in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) under control number 0579-0036, and upon approval, will become effective upon October 30, 1989. The Department has requested that OMB conclude its review no later than October 30, 1989.

The public reporting burden for this collection of information is estimated to average 0.96 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The public recordkeeping burden is estimated to average 4.0 annual hours per recordkeeper.

Send written comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Agriculture, Clearance Officer, OIRM, Room 404W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB Control No. 0579-0036), Washington, DC 20503.

List of Subjects

9 CFR Part 2

Licensing, Registration, Identification of animals, Records, Institutional animal care and use committees and adequate veterinary care, Miscellaneous.

9 CFR Part 3

Animal welfare, Humane animal handling, Pets, Transportation.

Accordingly, based on the rationale set forth in the preamble, we are amending 9 CFR parts 2 and 3 as follows:

1. Part 2 is revised to read as follows:

PART 2—REGULATIONS

Subpart A—Licensing

Sec.

- 2.1 Requirements and application.
- 2.2 Acknowledgement of regulations and standards.

Sec.

- 2.3 Demonstration of compliance with standards and regulations.
- 2.4 Non-interference with APHIS officials.
- 2.5 Duration of license and termination of license.
- 2.6 Annual license fees.
- 2.7 Annual report by licensees.
- 2.8 Notification of change of name, address, control, or ownership of business.
- 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
- 2.10 Licensees whose licenses have been suspended or revoked.
- 2.11 Denial of initial license application.

Subpart B—Registration

- 2.25 Requirements and procedures.
- 2.26 Acknowledgement of regulations and standards.
- 2.27 Notification of change of operation.

Subpart C—Research Facilities

- 2.30 Registration.
- 2.31 Institutional Animal Care and Use Committee (IACUC).
- 2.32 Personnel qualifications.
- 2.33 Attending veterinarian and adequate veterinary care.
- 2.34 [Reserved]
- 2.35 Recordkeeping requirements.
- 2.36 Annual report.
- 2.37 Federal research facilities.
- 2.38 Miscellaneous.

Subpart D—Attending Veterinarian and Adequate Veterinary Care

- 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

Subpart E—Identification of Animals

- 2.50 Time and method of identification.
- 2.51 Form of official tag.
- 2.52 How to obtain tags.
- 2.53 Use of tags.
- 2.54 Lost tags.
- 2.55 Removal and disposal of tags.

Subpart F—Stolen Animals

- 2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.

Subpart G—Records

- 2.75 Records: Dealers and exhibitors.
- 2.76 Records: Operators of auction sales and brokers.
- 2.77 Records: Carriers, and intermediate handlers.
- 2.78 Health certification and identification.
- 2.79 C.O.D. shipments.
- 2.80 Records, disposition.

Subpart H—Compliance With Standards and Holding Period

- 2.100 Compliance with standards.
- 2.101 Holding period.
- 2.102 Holding facility.

Subpart I—Miscellaneous

- 2.125 Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.
- 2.126 Access and inspection of records and property.

- 2.127 Publication of names of persons subject to the provisions of this part.
- 2.128 Inspection for missing animals.
- 2.129 Confiscation and destruction of animals.
- 2.130 Minimum age requirements.
- 2.131 Handling of animals.
- 2.132 Procurement of random source dogs and cats, dealers.

Authority: 7 U.S.C. 2131-2157; 2.17, 2.51, and 371.2(g).

Subpart A—Licensing

§ 2.1 Requirements and application.

(a)(1) Any person operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the APHIS, REAC Sector Supervisor in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the APHIS, REAC Sector Supervisor.

(2) If an applicant for a license or license renewal operates in more than one State, he or she shall apply in the State in which he or she has his or her principal place of business. All premises, facilities, or sites where such person operates or keeps animals shall be indicated on the application form or on a separate sheet attached to it. The completed application form, along with the application fee indicated in paragraph (d) of this section, and the annual license fee indicated in table 1 or 2 of § 2.6 shall be filed with the APHIS, REAC Sector Supervisor.

(3) The following persons are exempt from the licensing requirements under section 2 or section 3 of the Act:

(i) Retail pet stores which sell nondangerous, pet-type animals, such as dogs, cats, birds, rabbits, hamsters, guinea pigs, gophers, domestic ferrets, chinchilla, rats, and mice, for pets, at retail only: *Provided, That, Anyone* wholesaling any animals, selling any animals for research or exhibition, or selling any wild, exotic, or nonpet animals retail, must have a license;

(ii) Any person who sells or negotiates the sale or purchase of any animal except wild or exotic animals, dogs, or

cats, and who derives no more than \$500 gross income from the sale of such animals to a research facility, an exhibitor, a dealer, or a pet store during any calendar year and is not otherwise required to obtain a license;

(iii) Any person who maintains a total of three (3) or fewer breeding female dogs and/or cats and who sells only the offspring of these dogs or cats, which were born and raised on his or her premises, for pets or exhibition, and is not otherwise required to obtain a license;

(iv) Any person who sells fewer than 25 dogs and/or cats per year which were born and raised on his or her premises, for research, teaching, or testing purposes or to any research facility and is not otherwise required to obtain a license. The sale of any dog or cat not born and raised on the premises for research purposes requires a license;

(v) Any person who arranges for transportation or transports animals solely for the purpose of breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license;

(vi) Any person who buys, sells, transports, or negotiates the sale, purchase, or transportation of any animals used only for the purposes of food or fiber (including fur);

(vii) Any person who breeds and raises domestic pet animals for direct retail sales to another person for the buyer's own use and who buys no animals for resale and who sells no animals to a research facility, an exhibitor, a dealer, or a pet store (e.g., a purebred dog or cat fancier) and is not otherwise required to obtain a license;

(viii) Any person who buys animals solely for his or her own use or enjoyment and does not sell or exhibit animals, or is not otherwise required to obtain a license;

(b) Any person who sells fewer than 25 dogs or cats per year for research or teaching purposes and who is not otherwise required to obtain a license may obtain a voluntary license, provided the animals were born and raised on his or her premises. A voluntary licensee shall comply with the requirements for dealers set forth in this part and the Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats set forth in part 3 of this subchapter and shall agree in writing on a form furnished by APHIS to comply with all the requirements of the Act and this subchapter. Voluntary licenses will not be issued to any other persons. To obtain a voluntary license the applicant

shall submit to the APHIS, REAC Sector Supervisor the application fee of \$10 plus an annual license fee. The class of license issued and the fee for a voluntary license shall be that of a Class "A" licensee (breeder). Voluntary licenses will not be issued to any other persons or for any other class of license.

(c) No person shall have more than one license.

(d) A license will be issued to any applicant, except as provided in §§ 2.10 and 2.11, when the applicant:

(1) Has met the requirements of this section and of §§ 2.2 and 2.3; and

(2) Has paid the application fee of \$10 and the annual license fee indicated in § 2.6 to the APHIS, REAC Sector Supervisor and the payment has cleared normal banking procedures.

(e)(1) On or before the expiration date of the license, a licensee who wishes a renewal shall submit to the APHIS, REAC Sector Supervisor a completed application form and the application fee of \$10, plus the annual license fee indicated in § 2.6 by certified check, cashier's check, personal check, or money order. A voluntary licensee who wishes a renewal shall also submit the \$10 application fee plus an annual license fee. An applicant whose check is returned by the bank will be charged a fee of \$15 for each returned check. One returned check will be deemed nonpayment of fees and will result in denial of license. Payment of fees must then be made by certified check, cashier's check, or money order. An applicant will not be licensed until his or her payment has cleared normal banking procedures.

(2) The \$10 application fee must also be paid if an applicant is applying for a changed class of license. The applicant may pay such fees by certified check, cashier's check, personal check, or money order. An applicant whose check is returned by a bank will be charged a fee of \$15 for each returned check and will be required to pay all subsequent fees by certified check, money order, or cashier's check. A license will not be issued until payment has cleared normal banking procedures.

(f) The failure of any person to comply with any provision of the Act, or any of the provisions of the regulations or standards in this subchapter, shall constitute grounds for denial of a license; or for its suspension or revocation by the Secretary, as provided in the Act.

§ 2.2 Acknowledgment of regulations and standards.

APHIS will supply a copy of the applicable regulations and standards to

the applicant with each request for a license application or renewal. The applicant shall acknowledge receipt of the regulations and standards and agree to comply with them by signing the application form before a license will be issued or renewed.

§ 2.3 Demonstration of compliance with standards and regulations.

(a) Each applicant must demonstrate that his or her premises and any animals, facilities, vehicles, equipment, or other premises used or intended for use in the business comply with the regulations and standards set forth in parts 2 and 3 of this subchapter. Each applicant for an initial license or license renewal must make his or her animals, premises, facilities, vehicles, equipment, other premises, and records available for inspection during business hours and at other times mutually agreeable to the applicant and APHIS, to ascertain the applicant's compliance with the standards and regulations.

(b) In the case of an application for an initial license, the applicant must demonstrate compliance with the regulations and standards, as required in paragraph (a) of this section, before APHIS will issue a license. If the applicant's animals, premises, facilities, vehicles, equipment, other premises, or records do not meet the requirements of this subchapter, APHIS will advise the applicant of existing deficiencies and the corrective measures that must be completed to come into compliance with the regulations and standards. The applicant will have two more chances to demonstrate his or her compliance with the regulations and standards through re-inspection by APHIS. If the applicant fails the third inspection he or she will forfeit the application fee and cannot re-apply for a license for a period of 6 months following the third inspection. Issuance of the license will be denied until the applicant demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, other premises and records are in compliance with all regulations and standards in this subchapter.

§ 2.4 Non-interference with APHIS officials.

A licensee or applicant for an initial license shall not interfere with, threaten, abuse (including verbally abuse), or harass any APHIS official in the course of carrying out his or her duties.

§ 2.5 Duration of license and termination of license.

(a) A license issued under this part shall be valid and effective unless:

(1) The license has been revoked or suspended pursuant to section 19 of the Act.

(2) The license is voluntarily terminated upon request of the licensee, in writing, to the APHIS, REAC Sector Supervisor.

(3) The license has expired or been terminated under this part.

(4) The applicant has failed to pay the application fee and the annual license fee as required in §§ 2.1 and 2.6.

There will be no refund of fees if a license is terminated prior to its expiration date.

(b) Any person who is licensed must file an application for a license renewal and an annual report form (VS Form 18-3) as required by § 2.7, and pay the required fees, on or before the expiration date of the present license or the license shall expire and automatically terminate on its anniversary date. The licensee will be notified by certified mail at least 60 days prior to the expiration date of the license. Failure to comply with the annual reporting requirements, or to pay the required license fees prior to the expiration date of the license, shall result in automatic termination of such license on the anniversary date of the license.

(c) Licensees must accept delivery of registered mail or certified mail notice and provide the APHIS, REAC Sector Supervisor notice of their address in conformity with the requirements in § 2.1.

(d) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license set forth in § 2.1.

(e) Licenses are issued to specific persons for specific premises and do not transfer upon change of ownership, nor are they valid at a different location.

(f) A license which is invalid under this part shall be surrendered to the APHIS, REAC Sector Supervisor. If the license cannot be found, the licensee shall provide a written statement so stating to the APHIS, REAC Sector Supervisor.

§ 2.6 Annual license fees.

(a) In addition to the application fee of \$10 required to be paid upon the application for a license, license renewal, or changed class of license under § 2.1, each licensee shall submit to the APHIS, REAC Sector Supervisor the annual license fee prescribed in this section. Paragraph (b) of this section indicates the method used to calculate the appropriate fee. The amount of the fee is determined from Table 1 or 2 in paragraph (c) of this section.

(b)(1) Class "A" license. The annual license renewal fee for a Class "A" dealer shall be based on 50 percent of the total gross amount, expressed in dollars, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, by the dealer or applicant during his or her preceding business year (calendar or fiscal) in the case of a person who operated during such a year. If animals are leased, the lessor shall pay a fee based on 50 percent of any compensation received from the leased animals and the lessee shall pay a fee based upon the net compensation received from the leased animals, as indicated for dealers in Table 1 in paragraph (c) of this section.

(2) Class "B" license. The annual license renewal fee for a Class "B" dealer shall be established by calculating the total amount received from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale, during the preceding business year (calendar or fiscal) less the amount paid for the animals by the dealer or applicant. This net difference, exclusive of other costs, shall be the figure used to determine the license fee of a Class "B" dealer. If animals are leased, the lessor and lessee shall each pay a fee based on the net compensation received from the leased animals calculated from Table 1 in paragraph (c) of this section.

(3) The annual license renewal fee for a broker or operator of an auction sale shall be that of a class "B" dealer and shall be based on the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals, or for negotiating the sale of animals, by brokers or by the operator of an auction sale, to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, during the preceding business year (calendar or fiscal).

(4) In the case of a new applicant for a license as a dealer, broker or operator of an auction sale who did not operate during a preceding business year, the annual license fee will be based on the anticipated yearly dollar amount of business, as provided in paragraphs (b)(1), (2), and (3) of this section, derived from the sale of animals to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, directly or through an auction sale.

(5) The amount of the annual fee to be paid upon application for a class "C" license as an exhibitor under this section shall be based on the number of

animals which the exhibitor owned, held, or exhibited at the time the application is signed and dated or during the previous year, whichever is greater, and will be the amount listed in Table 2 in paragraph (c) of this section. Animals which are leased shall be included in the number of animals being held by both the lessor and the lessee when calculating the annual fee. An exhibitor shall pay his or her annual license fee on or before the expiration date of the license and the fee shall be based on the number of animals which the exhibitor is holding or has held during the year (both owned and leased).

(c) The license fee shall be computed in accordance with the following tables:

TABLE 1.—DEALERS, BROKERS AND OPERATORS OF AN AUCTION SALE CLASS "A" AND "B" LICENSE

Over	But Not Over	Fee
\$0	\$500	\$30
500	2,000	60
2,000	10,000	120
10,000	25,000	225
25,000	50,000	350
50,000	100,000	475
100,000		750

TABLE 2.—EXHIBITORS—CLASS "C" LICENSE

Number of Animals	Fee
1 to 5	\$30
6 to 25	75
26 to 50	175
51 to 500	225
501 and up	300

(d) If a person meets the licensing requirements for more than one class of license, he shall be required to obtain a license and pay the fee for the type business which is predominant for his operation, as determined by the Secretary.

(e) In any situation in which a licensee shall have demonstrated in writing to the satisfaction of the Secretary that he or she has good reason to believe that the dollar amount of his or her business for the forthcoming business year will be less than the previous business year, then his or her estimated dollar amount of business shall be used for computing the license fee for the forthcoming business year: *Provided, however*, That if the dollar amount upon which the license fee is based for that year does in fact exceed the amount estimated, the difference in amount of the fee paid and that which was due under paragraphs (b) and (c) of

this section based upon the actual dollar business upon which the license fee is based, shall be payable in addition to the required annual license fee for the next subsequent year, on the anniversary date of his or her license as prescribed in this section.

§ 2.7 Annual report by licensees.

(a) Each year, within 30 days prior to the expiration date of his or her license, a licensee shall file with the APHIS, REAC Sector Supervisor an application for license renewal and annual report upon a form which the APHIS, REAC Sector Supervisor will furnish to him or her upon request.

(b) A person licensed as a dealer shall set forth in his or her license renewal application and annual report the dollar amount of business, from the sale of animals, upon which the license fee is based, directly or through an auction sale, to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, by the licensee during the preceding business year (calendar or fiscal), and any other information as may be required thereon.

(c) A licensed dealer who operates as a broker or an operator of an auction sale shall set forth in his or her license renewal application and annual report the total gross amount, expressed in dollars, derived from commissions or fees charged for the sale of animals by the licensee to research facilities, dealers, exhibitors, retail pet stores, and persons for use as pets, during the preceding business year (calendar or fiscal), and any other information as may be required thereon.

(d) A person licensed as an exhibitor shall set forth in his or her license renewal application and annual report the number of animals owned, held, or exhibited by him or her, including those which are leased, during the previous year or at the time he signs and dates the report, whichever is greater.

§ 2.8 Notification of change of name, address, control, or ownership of business.

A licensee shall promptly notify the APHIS, REAC Sector Supervisor by certified mail of any change in the name, address, management, or substantial control or ownership of his business or operation, or of any additional sites, within 10 days of any change.

§ 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which

the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

§ 2.10 Licensees whose licenses have been suspended or revoked.

(a) Any person whose license has been suspended for any reason shall not be licensed in his or her own name or in any other manner within the period during which the order of suspension is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during that period. Any person whose license has been suspended for any reason may apply to the APHIS, REAC Sector Supervisor, in writing, for reinstatement of his or her license.

(b) Any person whose license has been revoked shall not be licensed in his or her own name or in any other manner; nor will any partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, be licensed.

(c) Any person whose license has been suspended or revoked shall not buy, sell, transport, exhibit, or deliver for transportation, any animal during the period of suspension or revocation.

§ 2.11 Denial of initial license application.

(a) A license will not be issued to any applicant who:

(1) Has not complied with the requirements of §§ 2.1, 2.2, 2.3, and 2.4 and has not paid the fees indicated in § 2.6;

(2) Is not in compliance with any of the regulations or standards in this subchapter;

(3) Has had a license revoked or whose license is suspended, as set forth in § 2.10;

(4) Has been fined, sentenced to jail, or pled nolo contendere (no contest) under State or local cruelty to animal laws within 1 year of application, except that if no penalty is imposed as a result of the plea of nolo contendere the applicant may reapply immediately; or

(5) Has made any false or fraudulent statements, or provided any false or fraudulent records to the Department.

(b) An applicant whose license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied. The license denial shall remain in effect until the final legal decision has been rendered. Should the license denial be upheld, the applicant may again apply

for a license 1 year from the date of the final order denying the application.

(c) No partnership, firm, corporation, or other legal entity in which a person whose license application has been denied has a substantial interest, financial or otherwise, will be licensed within 1 year of the license denial.

Subpart B—Registration

§ 2.25 Requirements and procedures.

(a) Each carrier and intermediate handler, and each exhibitor not required to be licensed under section 3 of the Act and the regulations of this subchapter, shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the APHIS, REAC Sector Supervisor. The registration form shall be filed with the APHIS, REAC Sector Supervisor for the State in which the registrant has his or her principal place of business, and shall be updated every 3 years by the completion and filing of a new registration form which will be provided by the APHIS, REAC Sector Supervisor.

(b) A subsidiary of a business corporation, rather than the parent corporation, will be registered as an exhibitor unless the subsidiary is under such direct control of the parent corporation that the Secretary determines that it is necessary that the parent corporation be registered to effectuate the purposes of the Act.

§ 2.26 Acknowledgment of regulations and standards.

APHIS will supply a copy of the regulations and standards in this subchapter with each registration form. The registrant shall acknowledge receipt of and shall agree to comply with the regulations and standards by signing a form provided for this purpose by APHIS, and by filing it with the APHIS, REAC Sector Supervisor.

§ 2.27 Notification of change of operation.

(a) A registrant shall notify the APHIS, REAC Sector Supervisor by certified mail of any change in the name, address, or ownership, or other change in operations affecting its status as an exhibitor, carrier, or intermediate handler, within 10 days after making such change.

(b)(1) A registrant which has not used, handled, or transported animals for a period of at least 2 years may be placed in an inactive status by making a written request to the APHIS, REAC Sector Supervisor. A registrant shall notify the APHIS, REAC Sector Supervisor in writing at least 10 days before using, handling, or transporting

animals again after being in an inactive status.

(2) A registrant which goes out of business or which ceases to function as a carrier, intermediate handler, or exhibitor, or which changes its method of operation so that it no longer uses, handles, or transports animals, and which does not plan to use, handle, or transport animals again at any time in the future, may have its registration canceled by making a written request to the APHIS, REAC Sector Supervisor. The former registrant is responsible for reregistering and demonstrating its compliance with the Act and regulations should it start using, handling, or transporting animals at any time after its registration is canceled.

Subpart C—Research Facilities

§ 2.30 Registration.

(a) *Requirements and procedures.* (1) Each research facility other than a Federal research facility, shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the APHIS, REAC Sector Supervisor. The registration form shall be filed with the APHIS, REAC Sector Supervisor for the State in which the research facility has its principal place of business, and shall be updated every 3 years by the completion and filing of a new registration form which will be provided by the APHIS, REAC Sector Supervisor. Except as provided in paragraph (a)(2) of this section, where a school or department of a university or college uses or intends to use live animals for research, tests, experiments, or teaching, the university or college rather than the school or department will be considered the research facility and will be required to register with the Secretary. An official who has the legal authority to bind the parent organization shall sign the registration form.

(2) In any situation in which a school or department of a university or college demonstrates to the Secretary that it is a separate legal entity and its operations and administration are independent of those of the university or college, the school or department will be registered rather than the university or college.

(3) A subsidiary of a business corporation, rather than the parent corporation, will be registered as a research facility unless the subsidiary is under such direct control of the parent corporation that the Secretary determines that it is necessary that the parent corporation be registered to effectuate the purposes of the Act.

(b) *Acknowledgment of regulations and standards.* APHIS will supply a

copy of the regulations and standards in this subchapter with each registration form. The research facility shall acknowledge receipt of and shall agree to comply with the regulations and standards by signing a form provided for this purpose by APHIS, and by filing it with the APHIS, REAC Sector Supervisor.

(c) *Notification of change of operation.* (1) A research facility shall notify the APHIS, REAC Sector Supervisor by certified mail of any change in the name, address, or ownership, or other change in operations affecting its status as a research facility, within 10 days after making such change.

(2) A research facility which has not used, handled, or transported animals for a period of at least 2 years may be placed in an inactive status by making a written request to the APHIS, REAC Sector Supervisor. A research facility shall file an annual report of its status (active or inactive). A research facility shall notify the APHIS, REAC Sector Supervisor in writing at least 10 days before using, handling, or transporting animals again after being in an inactive status.

(3) A research facility which goes out of business or which ceases to function as a research facility, or which changes its method of operation so that it no longer uses, handles, or transports animals, and which does not plan to use, handle, or transport animals at any time in the future, may have its registration canceled by making a written request to the APHIS, REAC Sector Supervisor. The research facility is responsible for reregistering and demonstrating its compliance with the Act and regulations should it start using, handling, or transporting animals at any time after its registration is canceled.

§ 2.31 Institutional Animal Care and Use Committee (IACUC).

(a) The Chief Executive Officer of the research facility shall appoint an Institutional Animal Care and Use Committee (IACUC), qualified through the experience and expertise of its members to assess the research facility's animal program, facilities, and procedures. Except as specifically authorized by law or these regulations, nothing in this part shall be deemed to permit the Committee or IACUC to prescribe methods or set standards for the design, performance, or conduct of actual research or experimentation by a research facility.

(b) *IACUC Membership.* (1) The members of each Committee shall be

appointed by the Chief Executive Officer of the research facility;

(2) The Committee shall be composed of a Chairman and at least two additional members;

(3) Of the members of the Committee:

(i) At least one shall be a Doctor of Veterinary Medicine, with training or experience in laboratory animal science and medicine, who has direct or delegated program responsibility for activities involving animals at the research facility;

(ii) At least one shall not be affiliated in any way with the facility other than as a member of the Committee, and shall not be a member of the immediate family of a person who is affiliated with the facility. The Secretary intends that such person will provide representation for general community interests in the proper care and treatment of animals;

(4) If the Committee consists of more than three members, not more than three members shall be from the same administrative unit of the facility.

(c) IACUC Functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall:

(1) Review, at least once every six months, the research facility's program for humane care and use of animals, using title 9, chapter I, subchapter A—Animal Welfare, as a basis for evaluation;

(2) Inspect, at least once every six months, all of the research facility's animal facilities, including animal study areas, using title 9, chapter I, subchapter A—Animal Welfare, as a basis for evaluation; *Provided, however*, That animal areas containing free-living wild animals in their natural habitat need not be included in such inspection;

(3) Prepare reports of its evaluations conducted as required by paragraphs (c) (1) and (2) of this section, and submit the reports to the Institutional Official of the research facility; *Provided, however*, That the IACUC may determine the best means of conducting evaluations of the research facility's programs and facilities; and *Provided, further*, That no Committee member wishing to participate in any evaluation conducted under this subpart may be excluded. The IACUC may use subcommittees composed of at least two Committee members and may invite *ad hoc* consultants to assist in conducting the evaluations, however, the IACUC remains responsible for the evaluations and reports as required by the Act and regulations. The reports shall be reviewed and signed by a majority of the IACUC members and must include any minority views. The reports shall be updated at least once every six months

upon completion of the required semiannual evaluations and shall be maintained by the research facility and made available to APHIS and to officials of funding Federal agencies for inspection and copying upon request. The reports must contain a description of the nature and extent of the research facility's adherence to this subchapter, must identify specifically any departures from the provisions of title 9, chapter I, subchapter A—Animal Welfare, and must state the reasons for each departure. The reports must distinguish significant deficiencies from minor deficiencies. A significant deficiency is one which, with reference to Subchapter A, and, in the judgment of the IACUC and the Institutional Official, is or may be a threat to the health or safety of the animals. If program or facility deficiencies are noted, the reports must contain a reasonable and specific plan and schedule with dates for correcting each deficiency. Any failure to adhere to the plan and schedule that results in a significant deficiency remaining uncorrected shall be reported in writing within 15 business days by the IACUC, through the Institutional Official, to APHIS and any Federal agency funding that activity;

(4) Review, and, if warranted, investigate concerns involving the care and use of animals at the research facility resulting from public complaints received and from reports of noncompliance received from laboratory or research facility personnel or employees;

(5) Make recommendations to the Institutional Official regarding any aspect of the research facility's animal program, facilities, or personnel training;

(6) Review and approve, require modifications in (to secure approval), or withhold approval of those components of proposed activities related to the care and use of animals, as specified in paragraph (d) of this section;

(7) Review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities; and

(8) Be authorized to suspend an activity involving animals in accordance with the specifications set forth in paragraph (d)(6) of this section.

(d) IACUC review of activities involving animals. (1) In order to approve proposed activities or proposed significant changes in ongoing activities, the IACUC shall conduct a review of those components of the activities related to the care and use of animals and determine that the proposed activities are in accordance with this

subchapter unless acceptable justification for a departure is presented in writing; *Provided, however*, That field studies as defined in part 1 of this subchapter are exempt from this requirement. Further, the IACUC shall determine that the proposed activities or significant changes in ongoing activities meet the following requirements:

(i) Procedures involving animals will avoid or minimize discomfort, distress, and pain to the animals;

(ii) The principal investigator has considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals, and has provided a written narrative description of the methods and sources, e.g., the Animal Welfare Information Center, used to determine that alternatives were not available;

(iii) The principal investigator has provided written assurance that the activities do not unnecessarily duplicate previous experiments;

(iv) Procedures that may cause more than momentary or slight pain or distress to the animals will:

(A) Be performed with appropriate sedatives, analgesics or anesthetics, unless withholding such agents is justified for scientific reasons, in writing, by the principal investigator and will continue for only the necessary period of time;

(B) Involve, in their planning, consultation with the attending veterinarian or his or her designee;

(C) Not include the use of paralytics without anesthesia;

(v) Animals that would otherwise experience severe or chronic pain or distress that cannot be relieved will be painlessly euthanized at the end of the procedure or, if appropriate, during the procedure;

(vi) The animals' living conditions will be appropriate for their species in accordance with part 3 of this subchapter, and contribute to their health and comfort. The housing, feeding, and nonmedical care of the animals will be directed by the attending veterinarian or other scientist trained and experienced in the proper care, handling, and use of the species being maintained or studied;

(vii) Medical care for animals will be available and provided as necessary by a qualified veterinarian;

(viii) Personnel conducting procedures on the species being maintained or studied will be appropriately qualified and trained in those procedures;

(ix) Activities that involve surgery include appropriate provision for pre-operative and post-operative care of the animals in accordance with established

veterinary medical and nursing practices. All survival surgery will be performed using aseptic procedures, including surgical gloves, masks, sterile instruments, and aseptic techniques. Major operative procedures on non-rodents will be conducted only in facilities intended for that purpose which shall be operated and maintained under aseptic conditions. Non-major operative procedures and all surgery on rodents do not require a dedicated facility, but must be performed using aseptic procedures. Operative procedures conducted at field sites need not be performed in dedicated facilities, but must be performed using aseptic procedures;

(x) No animal will be used in more than one major operative procedure from which it is allowed to recover, unless:

(A) Justified for scientific reasons by the principal investigator, in writing;

(B) Required as routine veterinary procedure or to protect the health or well-being of the animal as determined by the attending veterinarian; or

(C) In other special circumstances as determined by the Administrator on an individual basis. Written requests and supporting data should be sent to the Administrator, APHIS, USDA, 6505 Belcrest Road, Room 268, Hyattsville, MD 20782;

(xi) Methods of euthanasia used must be in accordance with the definition of the term set forth in 9 CFR part 1, § 1.1 of this subchapter, unless a deviation is justified for scientific reasons, in writing, by the investigator.

(2) Prior to IACUC review, each member of the Committee shall be provided with a list of proposed activities to be reviewed. Written descriptions of all proposed activities that involve the care and use of animals shall be available to all IACUC members, and any member of the IACUC may obtain, upon request, full Committee review of those activities. If full Committee review is not requested, at least one member of the IACUC, designated by the chairman and qualified to conduct the review, shall review those activities, and shall have the authority to approve, require modifications in (to secure approval), or request full Committee review of any of those activities. If full Committee review is requested for a proposed activity, approval of that activity may be granted only after review, at a convened meeting of a quorum of the IACUC, and with the approval vote of a majority of the quorum present. No member may participate in the IACUC review or approval of an activity in which that member has a conflicting interest (e.g., is

personally involved in the activity), except to provide information requested by the IACUC, nor may a member who has a conflicting interest contribute to the constitution of a quorum;

(3) The IACUC may invite consultants to assist in the review of complex issues arising out of its review of proposed activities. Consultants may not approve or withhold approval of an activity, and may not vote with the IACUC unless they are also members of the IACUC;

(4) The IACUC shall notify principal investigators and the research facility in writing of its decision to approve or withhold approval of those activities related to the care and use of animals, or of modifications required to secure IACUC approval. If the IACUC decides to withhold approval of an activity, it shall include in its written notification a statement of the reasons for its decision and give the principal investigator an opportunity to respond in person or in writing. The IACUC may reconsider its decision, with documentation in Committee minutes, in light of the information provided by the principal investigator;

(5) The IACUC shall conduct continuing reviews of activities covered by this subchapter at appropriate intervals as determined by the IACUC, but not less than annually;

(6) The IACUC may suspend an activity that it previously approved if it determines that the activity is not being conducted in accordance with the description of that activity provided by the principal investigator and approved by the Committee. The IACUC may suspend an activity only after review of the matter at a convened meeting of a quorum of the IACUC and with the suspension vote of a majority of the quorum present;

(7) If the IACUC suspends an activity involving animals, the Institutional Official, in consultation with the IACUC, shall review the reasons for suspension, take appropriate corrective action, and report that action with a full explanation to APHIS and any Federal agency funding that activity; and

(8) Proposed activities and proposed significant changes in ongoing activities that have been approved by the IACUC may be subject to further appropriate review and approval by officials of the research facility. However, those officials may not approve an activity involving the care and use of animals if it has not been approved by the IACUC.

(e) A proposal to conduct an activity involving animals, or to make a significant change in an ongoing activity involving animals, must contain the following:

(1) Identification of the species and the approximate number of animals to be used;

(2) A rationale for involving animals, and for the appropriateness of the species and numbers of animals to be used;

(3) A complete description of the proposed use of the animals;

(4) A description of procedures designed to assure that discomfort and pain to animals will be limited to that which is unavoidable for the conduct of scientifically valuable research, including provision for the use of analgesic, anesthetic, and tranquilizing drugs where indicated and appropriate to minimize discomfort and pain to animals; and

(5) A description of any euthanasia method to be used.

§ 2.32 Personnel qualifications.

(a) It shall be the responsibility of the research facility to ensure that all scientists, research technicians, animal technicians, and other personnel involved in animal care, treatment, and use are qualified to perform their duties. This responsibility shall be fulfilled in part through the provision of training and instruction to those personnel.

(b) Training and instruction shall be made available, and the qualifications of personnel reviewed, with sufficient frequency to fulfill the research facility's responsibilities under this section and § 2.31.

(c) Training and instruction of personnel must include guidance in at least the following areas:

(1) Humane methods of animal maintenance and experimentation, including:

(i) The basic needs of each species of animal;

(ii) Proper handling and care for the various species of animals used by the facility;

(iii) Proper pre-procedural and post-procedural care of animals; and

(iv) Aseptic surgical methods and procedures;

(2) The concept, availability, and use of research or testing methods that limit the use of animals or minimize animal distress;

(3) Proper use of anesthetics, analgesics, and tranquilizers for any species of animals used by the facility;

(4) Methods whereby deficiencies in animal care and treatment are reported, including deficiencies in animal care and treatment reported by any employee of the facility. No facility employee, Committee member, or laboratory personnel shall be discriminated against or be subject to any reprisal for

reporting violations of any regulation or standards under the Act;

(5) Utilization of services (e.g., National Agricultural Library, National Library of Medicine) available to provide information:

(i) On appropriate methods of animal care and use;

(ii) On alternatives to the use of live animals in research;

(iii) That could prevent unintended and unnecessary duplication of research involving animals; and

(iv) Regarding the intent and requirements of the Act.

§ 2.33 Attending veterinarian and adequate veterinary care.

(a) Each research facility shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section:

(1) Each research facility shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the research facility;

(2) Each research facility shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use; and

(3) The attending veterinarian shall be a voting member of the IACUC; *Provided, however,* That a research facility with more than one Doctor of Veterinary Medicine (DVM) may appoint to the IACUC another DVM with delegated program responsibility for activities involving animals at the research facility.

(b) Each research facility shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

(3) Daily observation of all animals to assess their health and well-being; *Provided, however,* That daily observation of animals may be accomplished by someone other than the attending veterinarian; and *Provided, further,* That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(4) Guidance to principal investigators and other personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and

(5) Adequate pre-procedural and post-procedural care in accordance with current established veterinary medical and nursing procedures.

§ 2.35 Recordkeeping requirements.

(a) The research facility shall maintain the following IACUC records:

(1) Minutes of IACUC meetings, including records of attendance, activities of the Committee, and Committee deliberations;

(2) Records of proposed activities involving animals and proposed significant changes in activities involving animals, and whether IACUC approval was given or withheld; and

(3) Records of semiannual IACUC reports and recommendations (including minority views), prepared in accordance with the requirements of § 2.31(c)(3) of this subpart, and forwarded to the Institutional Official.

(b) Every research facility shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each live dog or cat purchased or otherwise acquired, owned, held, or otherwise in their possession or under their control, transported, euthanized, sold, or otherwise disposed of by the research facility. The records shall include any offspring born of any animal while in the research facility's possession or under its control:

(1) The name and address of the person from whom a dog or cat was purchased or otherwise acquired, whether or not the person is required to be licensed or registered under the Act;

(2) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(3) The vehicle license number and state, and the driver's license number and state of the person, if he or she is not licensed or registered under the Act;

(4) The date of acquisition of each dog or cat;

(5) The official USDA tag number or tattoo assigned to each dog or cat under § 2.38(g) of this subpart;

(6) A description of each dog or cat which shall include:

(i) The species and breed or type of animal;

(ii) The sex;

(iii) The date of birth or approximate age; and

(iv) The color and any distinctive markings;

(7) Any identification number or mark assigned to each dog or cat by the research facility.

(c) In addition to the information required to be kept and maintained by every research facility concerning each live dog or cat under paragraph (a) of this section, every research facility transporting, selling, or otherwise disposing of any live dog or cat to another person, shall make and maintain records or forms which fully and correctly disclose the following information:

(1) The name and address of the person to whom a live dog or cat is transported, sold, or otherwise disposed of;

(2) The date of transportation, sale, euthanasia, or other disposition of the animal; and

(3) The method of transportation, including the name of the initial carrier or intermediate handler, or if a privately owned vehicle is used to transport the dog or cat, the name of the owner of the privately owned vehicle.

(d)(1) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) and Record of Dogs and Cats on Hand (VS Form 18-5) are forms which may be used by research facilities to keep and maintain the information required by paragraph (b) of this section.

(2) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) and Record of Disposition of Dogs and Cats (VS Form 18-6) are forms which may be used by research facilities to keep and maintain the information required by paragraph (c) of this section.

(e) One copy of the record containing the information required by paragraphs (b) and (c) of this section shall accompany each shipment of any live dog or cat sold or otherwise disposed of by a research facility *Provided, however,* That information which indicates the source and date of acquisition of any dog or cat need not appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraphs (b) and (c) of this section shall be retained by the research facility.

(f) All records and reports shall be maintained for at least three years. Records that relate directly to proposed activities and proposed significant changes in ongoing activities reviewed and approved by the IACUC shall be maintained for the duration of the activity and for an additional three years after completion of the activity.

All records shall be available for inspection and copying by authorized APHIS or funding Federal agency representatives at reasonable times. APHIS inspectors will maintain the confidentiality of the information and will not remove the materials from the research facilities' premises unless there has been an alleged violation, they are needed to investigate a possible violation, or for other enforcement purposes. Release of any such materials, including reports, summaries, and photographs that contain trade secrets or commercial or financial information that is privileged or confidential will be governed by applicable sections of the Freedom of Information Act. Whenever the Administrator notifies a research facility in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, the research facility shall hold those records until their disposition is authorized in writing by the Administrator.

§ 2.36 Annual report.

(a) The reporting facility shall be that segment of the research facility, or that department, agency, or instrumentality of the United States, that uses or intends to use live animals in research, tests, experiments, or for teaching. Each reporting facility shall submit an annual report to the APHIS, REAC Sector Supervisor for the State where the facility is located on or before December 1 of each calendar year. The report shall be signed and certified by the CEO or Institutional Official, and shall cover the previous Federal fiscal year.

(b) The annual report shall:

(1) Assure that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, prior to, during, and following actual research, teaching, testing, surgery, or experimentation were followed by the research facility;

(2) Assure that each principal investigator has considered alternatives to painful procedures;

(3) Assure that the facility is adhering to the standards and regulations under the Act, and that it has required that exceptions to the standards and regulations be specified and explained by the principal investigator and approved by the IACUC. A summary of all such exceptions must be attached to the facility's annual report. In addition to identifying the IACUC-approved exceptions, this summary must include a brief explanation of the exceptions, as well as the species and number of animals affected;

(4) State the location of all facilities where animals were housed or used in actual research, testing, teaching, or experimentation, or held for these purposes;

(5) State the common names and the numbers of animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs. Routine procedures (e.g., injections, tattooing, blood sampling) should be reported with this group;

(6) State the common names and the numbers of animals upon which experiments, teaching, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used;

(7) State the common names and the numbers of animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests. An explanation of the procedures producing pain or distress in these animals and the reasons such drugs were not used shall be attached to the annual report;

(8) State the common names and the numbers of animals being bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes.

§ 2.37 Federal research facilities.

Each Federal research facility shall establish an Institutional Animal Care and Use Committee which shall have the same composition, duties, and responsibilities required of nonfederal research facilities by § 2.31 with the following exceptions:

(a) The Committee shall report deficiencies to the head of the Federal agency conducting the research rather than to APHIS; and

(b) The head of the Federal agency conducting the research shall be responsible for all corrective action to be taken at the facility and for the granting of all exceptions to inspection protocol.

§ 2.38 Miscellaneous.

(a) *Information as to business:* furnishing of same by research facilities. Each research facility shall furnish to any APHIS official any information concerning the business of

the research facility which the APHIS official may request in connection with the enforcement of the provisions of the Act, the regulations, and the standards in this subchapter. The information shall be furnished within a reasonable time and as may be specified in the request for information.

(b) *Access and inspection of records and property.* (1) Each research facility shall, during business hours, allow APHIS officials:

(i) To enter its place of business;

(ii) To examine records required to be kept by the Act and the regulations in this part;

(iii) To make copies of the records;

(iv) To inspect the facilities, property, and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations, and the standards in this subchapter; and

(v) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

(2) The use of a room, table or other facilities necessary for the proper examination of the records and for inspection of the property or animals shall be extended to APHIS officials by the research facility.

(c) *Publication of names of research facilities subject to the provisions of this part.* APHIS will publish lists of research facilities registered in accordance with the provisions of this subpart in the Federal Register. The lists may be obtained upon request from the APHIS, REAC Sector Supervisor.

(d) *Inspection for missing animals.* Each research facility shall allow, upon request and during business hours, police or officers of other law enforcement agencies with general law enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter its place of business to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions:

(1) The police or other law officer shall furnish to the research facility a written description of the missing animal and the name and address of its owner before making a search;

(2) The police or other law officer shall abide by all security measures required by the research facility to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

(e) *Confiscation and destruction of animals.* (1) If an animal being held by a research facility is not being used to carry out research, testing, or

experimentation, and is found by an APHIS official to be suffering as a result of the failure of the research facility to comply with any provision of the regulations or the standards set forth in this subchapter, the APHIS official shall make a reasonable effort to notify the research facility of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the research facility refuses to comply with this request, the APHIS official may confiscate the animal(s) for care, treatment, or disposal as indicated in paragraph (e)(2) of this section, if, in the opinion of the Administrator, the circumstances indicate the animal's health is in danger.

(2) In the event that the APHIS official is unable to locate or notify the research facility as required in this section, the APHIS official shall contact a local police or other law officer to accompany him or her to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If, in the opinion of the Administrator, the condition of the animal(s) cannot be corrected by this temporary care, the APHIS official shall confiscate the animal(s).

(3) Confiscated animals may be placed, by sale or donation, with other registrants or licensees that comply with the standards and regulations and can provide proper care, or they may be euthanized. The research facility from which the animals were confiscated shall bear all costs incurred in performing the placement or euthanasia activities authorized by this section.

(f) *Handling.* (1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

(2)(i) Physical abuse shall not be used to train, work, or otherwise handle animals.

(ii) Deprivation of food or water shall not be used to train, work, or otherwise handle animals; *Provided, however:* That the short-term withholding of food or water from animals, when specified in an IACUC-approved activity that includes a description of monitoring procedures, is allowed by these regulations.

(g) *Identification of dogs and cats.* (1) All live dogs or cats, including those from any exempt source, delivered for transportation, transported, purchased or otherwise acquired, sold, or disposed of by a research facility, shall be

identified at the time of such delivery for transportation, purchase, sale, disposal, or acquisition in one of the following ways:

(i) By the official tag or tattoo which was affixed to the animal at the time it was acquired by the research facility, as required by this section; or

(ii) By a tag, tattoo, or collar, applied to the live dog or cat by the research facility and which individually identifies the dog or cat by number.

(2) All official tag or tattoo numbers shall be correctly listed in the records of purchase, acquisition, disposal, or sale which shall be maintained in accordance with § 2.35.

(3) Unweaned puppies or kittens need not be individually identified while they are maintained as a litter with their dam in the same primary enclosure, provided the dam has been individually identified.

(4) The official tag shall be made of a durable alloy such as brass, bronze, or steel, or of a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag may be circular in shape and not less than 1 1/4 inches in diameter, or oblong and flat in shape and not less than 2 inches by 3/4 inch, and riveted to an acceptable collar.

(5) Each tag shall have the following information embossed or stamped on so that it is easily readable:

(i) The letters "USDA";

(ii) Numbers identifying the State and dealer, exhibitor, or research facility (e.g., 39-AB); and

(iii) Numbers identifying the animal (e.g., 82488).

(6) Official tags shall be serially numbered and shall be applied to dogs or cats in the manner set forth in this section in as close to consecutive numerical order as possible. No tag number shall be used to identify more than one animal or shall be reused within a 5-year period.

(7) Research facilities may obtain, at their own expense, official tags from commercial tag manufacturers.¹ At the time the research facility is registered, the Department will assign identification letters and numbers to be used on the official tags.

(8) Each research facility shall be held accountable for all official tags acquired. In the event an official tag is lost from a dog or cat while in the possession of a research facility, the

facility shall make a diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the research facility shall affix another official tag to the animal in the manner prescribed in this section and record the tag number on the official records.

(9) When a dog or cat wearing or identified by an official tag arrives at a research facility, the facility may continue to use that tag to identify the dog or cat or the tag may be replaced as indicated in paragraph (g)(1) of this section. All tags removed by a research facility shall be retained and disposed of as indicated in this section.

(10) Where a dog or cat to which is affixed or which is identified by an official tag is euthanized, or dies from other causes, the research facility shall remove and retain the tag for the required period, as set forth in paragraph (g)(11) of this section.

(11) All official tags removed and retained by a research facility shall be held until called for by an APHIS official or for a period of 1 year.

(12) When official tags are removed from animals for disposal, the tags must be disposed of so as to preclude their reuse for animal identification. No animal identification number shall be used within any 5-year period following its previous use.

(h) *Health certification.* (1) No research facility, including a Federal research facility, shall deliver to any intermediate handler or carrier for transportation, in commerce, or shall transport in commerce any dog, cat, or nonhuman primate unless the dog, cat, or nonhuman primate is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that:

(i) The licensed veterinarian inspected the dog, cat, or nonhuman primate on a specified date which shall not be more than 10 days prior to the delivery of the dog, cat, or nonhuman primate for transportation; and

(ii) When so inspected, the dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health.

(2) The Secretary may provide exceptions to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification. Requests should be addressed to the Administrator, APHIS.

¹ A list of the commercial manufacturers who produce these tags and are known to the Department may be obtained from the APHIS, REAC Sector Supervisor. Any manufacturer who desires to be included in the list should notify the Administrator.

USDA, Room 268, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

(3) The U.S. Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) may be used for health certification by a licensed veterinarian as required by this section.

(i) *Holding of animals.* If any research facility obtains prior approval of the APHIS, REAC Sector Supervisor, it may arrange to have another person hold animals: *Provided, That:*

(1) The other person agrees, in writing, to comply with the regulations in this part and the standards in part 3 of this subchapter, and to allow inspection of the premises by an APHIS official during business hours;

(2) The animals remain under the total control and responsibility of the research facility; and

(3) The Institutional Official agrees, in writing, that the other person or premises is a recognized animal site under its research facility registration. Veterinary Services Form 18-9 shall be used for approval.

(j) *Holding period.* Research facilities that obtain dogs and cats from sources other than dealers, exhibitors, and exempt persons shall hold the animals for 5 full days, not including the day of acquisition, after acquiring the animal, excluding time in transit, before they may be used by the facility. Research facilities shall comply with the identification of animals requirements set forth in § 2.38(g) during this period.

(k) *Compliance with standards and prohibitions.* (1) Each research facility shall comply in all respects with the regulations set forth in subpart C of this part and the standards set forth in part 3 of this subchapter for the humane handling, care, treatment, housing, and transportation of animals; *Provided, however,* That exceptions to the standards in part 3 and the provisions of subpart C of this part may be made only when such exceptions are specified and justified in the proposal to conduct the activity and are approved by the IACUC.

(2) No person shall obtain live random source dogs or cats by use of false pretenses, misrepresentation, or deception.

(3) No person shall acquire, buy, sell, exhibit, use for research, transport, or offer for transportation, any stolen animal.

Subpart D—Attending Veterinarian and Adequate Veterinary Care

§ 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(a) Each dealer or exhibitor shall have an attending veterinarian who shall provide adequate veterinary care to its animals in compliance with this section.

(1) Each dealer and exhibitor shall employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements shall include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor; and

(2) Each dealer and exhibitor shall assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(1) The availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter;

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

(3) Daily observation of all animals to assess their health and well-being; *Provided, however,* That daily observation of animals may be accomplished by someone other than the attending veterinarian; and *Provided, further,* That a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian;

(4) Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and

(5) Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

Subpart E—Identification of Animals

§ 2.50 Time and method of identification.

(a) A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows:

(1) All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for

delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in § 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats², or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

(2) Live puppies or kittens, less than 16 weeks of age, shall be identified by:

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to § 2.51.

(b) A class "B" dealer shall identify all live dogs and cats under his or her control or on his or her premises as follows:

(1) When live dogs or cats are held, purchased, or otherwise acquired, they shall be immediately identified:

(i) By affixing to the animal's neck an official tag as set forth in § 2.51 by means of a collar made of material generally acceptable to pet owners as a means of identifying their pet dogs or cats³; or

(ii) By a distinctive and legible tattoo marking approved by the Administrator.

(2) If any live dog or cat is already identified by an official tag or tattoo which has been applied by another dealer or exhibitor, the dealer or exhibitor who purchases or otherwise acquires the animal may continue identifying the dog or cat by the previous identification number, or may replace the previous tag with his own official tag or approved tattoo. In either case, the class B dealer or class C exhibitor shall correctly list all old and new official tag numbers or tattoos in his or her records of purchase which shall be maintained in accordance with §§ 2.75 and 2.77. Any new official tag or tattoo number shall be used on all

² In general, well fitted collars made of leather or plastic will be acceptable under this provision. The use of certain types of chains presently used by some dealers may also be deemed acceptable. APHIS will determine the acceptability of a material proposed for use as collars from the standpoint of humane considerations on an individual basis in consultation with the dealer or exhibitor involved. The use of materials such as wire, elastic, or sharp metal that might cause discomfort or injury to the dogs or cats is not acceptable.

³ See footnote 2 in § 2.50(a)(1).

records of any subsequent sales by the dealer or exhibitor, of any dog or cat.

(3) Live puppies or kittens less than 18 weeks of age, shall be identified by:

(i) An official tag as described in § 2.51;

(ii) A distinctive and legible tattoo marking approved by the Administrator; or

(iii) A plastic-type collar acceptable to the Administrator which has legibly placed thereon the information required for an official tag pursuant to § 2.51.

(4) When any dealer has made a reasonable effort to affix an official tag to a cat, as set forth in paragraphs (a) and (b) of this section, and has been unable to do so, or when the cat exhibits serious distress from the attachment of a collar and tag, the dealer shall attach the collar and tag to the door of the primary enclosure containing the cat and take measures adequate to maintain the identity of the cat in relation to the tag. Each primary enclosure shall contain no more than one weaned cat without an affixed collar and official tag, unless the cats are identified by a distinctive and legible tattoo or plastic-type collar approved by the Administrator.

(c) A class "C" exhibitor shall identify all live dogs and cats under his or her control or on his or her premises, whether held, purchased, or otherwise acquired:

(1) As set forth in paragraph (b)(1) or (b)(3) of this section, or

(2) By identifying each dog or cat with:

(i) An official USDA sequentially numbered tag that is kept on the door of the animal's cage or run;

(ii) A record book containing each animal's tag number, a written description of each animal, the data required by § 2.75(a), and a clear photograph of each animal; and

(iii) A duplicate tag that accompanies each dog or cat whenever it leaves the compound or premises.

(d) Unweaned puppies or kittens need not be individually identified as required by paragraphs (a) and (b) of this section while they are maintained as a litter with their dam in the same primary enclosure, provided the dam has been individually identified.

(e)(1) All animals, except dogs and cats, delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of by any dealer or exhibitor shall be identified by the dealer or exhibitor at the time of delivery for transportation, purchase, sale, acquisition or disposal, as provided for in this paragraph and in records maintained as required in §§ 2.75 and 2.77.

(2) When one or more animals, other than dogs or cats, are confined in a primary enclosure, the animal(s) shall be identified by:

(i) A label attached to the primary enclosure which shall bear a description of the animals in the primary enclosure, including:

(A) The number of animals;
(B) The species of the animals;
(C) Any distinctive physical features of the animals; and

(D) Any identifying marks, tattoos, or tags attached to the animals;

(ii) Marking the primary enclosure with a painted or stenciled number which shall be recorded in the records of the dealer or exhibitor together with:

(A) A description of the animal(s);
(B) The species of the animal(s); and
(C) Any distinctive physical features of the animal(s); or

(iii) A tag or tattoo applied to each animal in the primary enclosure by the dealer or exhibitor which individually identifies each animal by description or number.

(3) When any animal, other than a dog or cat, is not confined in a primary enclosure, it shall be identified on a record, as required by § 2.75, which shall accompany the animal at the time it is delivered for transportation, transported, purchased, or sold, and shall be kept and maintained by the dealer or exhibitor as part of his or her records.

§ 2.51 Form of official tag.

(a) The official tag shall be made of a durable alloy such as brass, bronze, or steel, or of a durable plastic. Aluminum of a sufficient thickness to assure the tag is durable and legible may also be used. The tag shall be one of the following shapes:

(1) Circular in shape and not less than 1 1/4 inches in diameter, or

(2) Oblong and flat in shape, not less than 2 inches by 3/4 inch and riveted to an acceptable collar.

(b) Each tag shall have the following information embossed or stamped on so that it is easily readable:

(1) The letters "USDA";
(2) Numbers identifying the State and dealer, exhibitor, or research facility (e.g., 39-AB); and
(3) Numbers identifying the animal (e.g., 82488).

(c) Official tags shall be serially numbered. No individual dealer or exhibitor shall use any identification tag number more than once within a 5-year period.

§ 2.52 How to obtain tags.

Dealers or exhibitors may obtain, at their own expense, official tags from

commercial tag manufacturers.* At the time the dealer or exhibitor is issued a license or is registered, the Department will assign identification letters and numbers and inform them of the identification letters and numbers to be used on the official tags.

§ 2.53 Use of tags.

Official tags obtained by a dealer, exhibitor, or research facility, shall be applied to dogs or cats in the manner set forth in § 2.50 and in as close to consecutive numerical order as possible. No tag number shall be used to identify more than one animal. No number shall be repeated within a 5-year period.

§ 2.54 Lost tags.

Each dealer or exhibitor shall be held accountable for all official tags acquired. In the event an official tag is lost from a dog or cat while in the possession of a dealer or exhibitor, the dealer or exhibitor shall make a diligent effort to locate and reapply the tag to the proper animal. If the lost tag is not located, the dealer or exhibitor shall affix another official tag to the animal in the manner prescribed in § 2.50, and record the tag number on the official records.

§ 2.55 Removal and disposal of tags.

(a) Where a dog or cat to which is affixed or which is identified by an official tag is euthanized, or dies from other causes, the dealer or exhibitor shall remove and retain the tag for the required period, as set forth in paragraph (b) of this section.

(b) All official tags removed and retained by a dealer or exhibitor shall be held until called for by an APHIS official or for a period of 1 year.

(c) When official tags are removed from animals for disposal, the tags must be disposed of so as to preclude their reuse for animal identification. No animal identification number shall be used within any 5-year period following its previous use.

Subpart F—Stolen Animals

§ 2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.

No person shall buy, sell, exhibit, use for research, transport, or offer for transportation, any stolen animal.

* A list of the commercial manufacturers who produce these tags and are known to the Department may be obtained from the APHIS, REAC Sector Supervisor. Any manufacturer who desires to be included in the list should notify the Administrator.

Subpart G—Records**§ 2.75 Records: Dealers and exhibitors.**

(a)(1) Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

(i) The name and address of the person from whom a dog or cat was purchased or otherwise acquired whether or not the person is required to be licensed or registered under the Act;

(ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(iii) The vehicle license number and state, and the driver's license number and state of the person, if he or she is not licensed or registered under the Act;

(iv) The name and address of the person to whom a dog or cat was sold or given and that person's license or registration number if he or she is licensed or registered under the Act;

(v) The date a dog or cat was acquired or disposed of, including by euthanasia;

(vi) The official USDA tag number or tattoo assigned to a dog or cat under §§ 2.50 and 2.54;

(vii) A description of each dog or cat which shall include:

(A) The species and breed or type;

(B) The sex;

(C) The date of birth or approximate age; and

(D) The color and any distinctive markings;

(viii) The method of transportation including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport a dog or cat, the name of the owner of the privately owned vehicle;

(ix) The date and method of disposition of a dog or cat, e.g., sale, death, euthanasia, or donation.

(2) Record of Dogs and Cats on Hand (VS Form 18-5) and Record of Disposition of Dogs and Cats (VS Form 18-6) are forms which may be used by dealers and exhibitors to make, keep, and maintain the information required by paragraph (a)(1) of this section.

(3) The USDA Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) may be used by dealers and

exhibitors to make, keep, and maintain the information required by paragraph (a)(1) of this section and § 2.79.

(4) One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a dealer or exhibitor. *Provided, however,* That information which indicates the source and date of acquisition of a dog or cat need not appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (a)(1) of this section shall be retained by the dealer or exhibitor.

(b)(1) Every dealer other than operators of auction sales and brokers to whom animals are consigned, and exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, or otherwise in his or her possession or under his or her control, or which is transported, sold, euthanized, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

(i) The name and address of the person from whom the animals were purchased or otherwise acquired;

(ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;

(iii) The vehicle license number and state, and the driver's license number and state of the person, if he or she is not licensed or registered under the Act;

(iv) The name and address of the person to whom an animal was sold or given;

(v) The date of purchase, acquisition, sale, or disposal of the animal(s);

(vi) The species of the animal(s); and

(vii) The number of animals in the shipment.

(2) Record of Animals on Hand (other than dogs and cats) (VS Form 18-19) and Record of Acquisition, Disposition, or Transport of Animals (other than dogs and cats) (VS Form 18-20) are forms which may be used by dealers and exhibitors to keep and maintain the information required by paragraph (b)(1) of this section concerning animals other than dogs and cats except as provided in § 2.79.

(3) One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal(s) other than a dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal other than a dog or cat sold or otherwise disposed of by a dealer or exhibitor. *Provided, however,* That information which indicates the source and date of acquisition of any animal other than a dog or cat need not appear on the copy of the record accompanying the shipment. The dealer or exhibitor shall retain one copy of the record containing the information required by paragraph (b)(1) of this section.

§ 2.76 Records: Operators of auction sales and brokers.

(a) Every operator of an auction sale or broker shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal consigned for auction or sold, whether or not a fee or commission is charged:

(1) The name and address of the person who owned or consigned the animal(s) for sale;

(2) The name and address of the buyer or consignee who received the animal;

(3) The USDA license or registration number of the person(s) selling, consigning, buying, or receiving the animals if he or she is licensed or registered under the Act;

(4) The vehicle license number and state, and the driver's license number and state of the person, if he or she is not licensed or registered under the Act;

(5) The date of the consignment;

(6) The official USDA tag number or tattoo assigned to the animal under §§ 2.50 and 2.54;

(7) A description of the animal which shall include:

(i) The species and breed or type of animal;

(ii) The sex of the animal; and

(iii) The date of birth or approximate age; and

(iv) The color and any distinctive markings;

(8) The auction sales number or records number assigned to the animal.

(b) One copy of the record containing the information required by paragraph (a) of this section shall be given to the consignor of each animal, one copy of the record shall be given to the purchaser of each animal. *Provided, however,* That information which indicates the source and date of

consignment of any animal need not appear on the copy of the record given the purchaser of any animal. One copy of the record containing the information required by paragraph (a) of this section shall be retained by the operator of such auction sale, or broker, for each animal sold by the auction sale or broker.

§ 2.77 Records: Carriers and intermediate handlers.

(a) In connection with all live animals accepted for shipment on a C.O.D. basis or other arrangement or practice under which the cost of an animal or the transportation of an animal is to be paid and collected upon delivery of the animal to the consignee, the accepting carrier or intermediate handler, if any, shall keep and maintain a copy of the consignor's written guarantee for the payment of transportation charged for any animal not claimed as provided in § 2.80, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for out-of-pocket expenses incurred for the care, feeding, and storage of the animal. The carrier or intermediate handler at destination shall also keep and maintain a copy of the shipping document containing the time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee, as provided in § 2.80.

(b) In connection with all live dogs, cats, or nonhuman primates delivered for transportation, in commerce, to any carrier or intermediate handler, by any dealer, research facility, exhibitor, operator of an auction sale, broker, or department, agency or instrumentality of the United States or of any state or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certification completed as required by § 2.79, tendered with each live dog, cat, or nonhuman primate.

§ 2.78 Health certification and identification.

(a) No dealer, exhibitor, operator of an auction sale, broker, or department, agency, or instrumentality of the United States or of any State or local government shall deliver to any intermediate handler or carrier for transportation, in commerce, or shall transport in commerce any dog, cat, or nonhuman primate unless the dog, cat, or nonhuman primate is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that:

(1) The licensed veterinarian inspected the dog, cat, or nonhuman

primate on a specified date which shall not be more than 10 days prior to the delivery of the dog, cat, or nonhuman primate for transportation; and

(2) when so inspected, the dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health.

(b) The Secretary may provide exceptions to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification. Requests should be addressed to the Administrator, APHIS, USDA, Room 206, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

(c) No intermediate handler or carrier to whom any live dog, cat, or nonhuman primate is delivered for transportation by any dealer, research facility, exhibitor, broker, operator of an auction sale, or department, agency, or instrumentality of the United States or any State or local government shall receive a live dog, cat, or nonhuman primate for transportation, in commerce, unless and until it is accompanied by a health certificate issued by a licensed veterinarian in accordance with paragraph (a) of this section, or an exemption issued by the Secretary in accordance with paragraph (b) of this section.

(d) The U.S. Interstate and International Certificate of Health Examination for Small Animals (VS Form 18-1) may be used for health certification by a licensed veterinarian as required by this section.

§ 2.79 C.O.D. shipments.

(a) No carrier or intermediate handler shall accept any animal for transportation, in commerce, upon any C.O.D. or other basis where any money is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if the shipment is unclaimed or the consignee cannot be notified in accordance with paragraphs (b) and (c) of this section, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of the animal.

(b) Any carrier or intermediate handler receiving an animal at a destination on a C.O.D. or other basis any money is to be paid and collected upon delivery of the animal to the consignee shall attempt to

notify the consignee at least once every 6 hours for a period of 24 hours after arrival of the animal at the animal holding area of the terminal cargo facility. The carrier or intermediate handler shall record the time, date, and method of each attempted notification and the final notification to the consignee, and the name of the person notifying the consignee, on the shipping document and on the copy of the shipping document accompanying the C.O.D. shipment. If the consignee cannot be notified of the C.O.D. shipment within 24 hours after its arrival, the carrier or intermediate handler shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and shall notify the consignor. Any carrier or intermediate handler which has notified a consignee of the arrival of a C.O.D. or other shipment of an animal, where any money is to be paid and collected upon delivery of the animal to the consignee, which is not claimed by the consignee within 48 hours from the time of notification, shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and shall notify the consignor.

(c) It is the responsibility of any carrier or intermediate handler to hold, feed, and care for any animal accepted for transportation, in commerce, under a C.O.D. or other arrangement where any money is to be paid and collected upon delivery of the animal until the consignee accepts shipment at destination or until returned to the consignor or his or her designee should the consignee fail to accept delivery of the animal or if the consignee could not be notified as prescribed in paragraph (b) of this section.

(d) Nothing in this section shall be construed as prohibiting any carrier or intermediate handler from requiring any guarantee in addition to that required in paragraph (a) of this section for the payment of the cost of any transportation or out-of-pocket or other incidental expenses incurred in the transportation of any animal.

§ 2.80 Records, disposition.

(a) No dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler shall, for a period of 1 year, destroy or dispose of, without the consent in writing of the Administrator, any books, records,

documents, or other papers required to be kept and maintained under this part.

(b) Unless otherwise specified, the records required to be kept and maintained under this part shall be held for 1 year after an animal is euthanized or disposed of and for any period in excess of one year as necessary to comply with any applicable Federal, State, or local law. Whenever the Administrator notifies a dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, the dealer, exhibitor, broker, operator of an auction sale, carrier, or intermediate handler shall hold those records until their disposition is authorized by the Administrator.

Subpart H—Compliance With Standards and Holding Period

§ 2.100 Compliance with standards.

(a) Each dealer, exhibitor, operator of an auction sale, and intermediate handler shall comply in all respects with the regulations set forth in part 2 and the standards set forth in part 3 of this subchapter for the humane handling, care, treatment, housing, and transportation of animals.

(b) Each carrier shall comply in all respects with the regulations in part 2 and the standards in part 3 of this subchapter setting forth the conditions and requirements for the humane transportation of animals in commerce and their handling, care, and treatment in connection therewith.

§ 2.101 Holding period.

(a) Any live dog or cat acquired by a dealer⁵ or exhibitor shall be held by him or her, under his or her supervision and control, for a period of not less than 5 full days, not including the day of acquisition, after acquiring the animal, excluding time in transit: *Provided, however:*

(1) That any live dog or cat acquired by a dealer or exhibitor from any private or contract animal pound or shelter shall be held by that dealer or exhibitor under his or her supervision and control for a period of not less than 10 full days, not including the day of acquisition, after acquiring the animal, excluding time in transit;

(2) Live dogs or cats which have completed a 5-day holding period with another dealer or exhibitor, or a 10-day holding period with another dealer or

exhibitor if obtained from a private or contract shelter or pound, may be sold or otherwise disposed of by subsequent dealers or exhibitors after a minimum holding period of 24 hours by each subsequent dealer or exhibitor excluding time in transit;

(3) Any dog or cat suffering from disease, emaciation, or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section; and

(4) Any live dog or cat, 120 days of age or less, that was obtained from the person that bred and raised such dog or cat, may be exempted from the 5-day holding requirement and may be disposed of by dealers or exhibitors after a minimum holding period of 24 hours, excluding time in transit. Each subsequent dealer or exhibitor must also hold each such dog or cat for a 24-hour period excluding time in transit.

(b) During the period in which any dog or cat is being held as required by this section, the dog or cat shall be unloaded from any means of conveyance in which it was received, for food, water, and rest, and shall be handled, cared for, and treated in accordance with the standards set forth in part 3, subpart A, of this subchapter and § 2.131.

§ 2.102 Holding facility.

(a) If any dealer or exhibitor obtains the prior approval of the APHIS, REAC Sector Supervisor, he may arrange to have another person hold animals for the required period provided for in paragraph (a) of § 2.101: *Provided, That:*

(1) The other person agrees in writing to comply with the regulations in part 2 and the standards in part 3 of this subchapter and to allow inspection of his premises by an APHIS official during business hours; and

(2) The animals remain under the total control and responsibility of the dealer or exhibitor.

(3) Approval will not be given for a dealer or exhibitor holding a license as set forth in § 2.1 to have animals held for purposes of this section by another licensed dealer or exhibitor. Veterinary Services Form 18-9 shall be used for approval.

(b) If any intermediate handler obtains prior approval of the APHIS, REAC Sector Supervisor, it may arrange to have another person hold animals: *Provided, That:*

(1) The other person agrees in writing to comply with the regulations in part 2 and the standards in part 3 of this subchapter and to allow inspection of the premises by an APHIS official during business hours; and

(2) The animals remain under the total control and responsibility of the research facility or intermediate handler.

Subpart I—Miscellaneous

§ 2.125 Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.

Each dealer, exhibitor, operator of an auction sale, intermediate handler, and carrier shall furnish to any APHIS official any information concerning the business of the dealer, exhibitor, operator of an auction sale, intermediate handler or carrier which the APHIS official may request in connection with the enforcement of the provisions of the Act, the regulations and the standards in this subchapter. The information shall be furnished within a reasonable time and as may be specified in the request for information.

§ 2.126 Access and inspection of records and property.

(a) Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials:

(1) To enter its place of business;

(2) To examine records required to be kept by the Act and the regulations in this part;

(3) To make copies of the records;

(4) To inspect and photograph the facilities, property and animals, as the APHIS officials consider necessary to enforce the provisions of the Act, the regulations and the standards in this subchapter; and

(5) To document, by the taking of photographs and other means, conditions and areas of noncompliance.

(b) The use of a room, table, or other facilities necessary for the proper examination of the records and inspection of the property or animals shall be extended to APHIS officials by the dealer, exhibitor, intermediate handler or carrier.

§ 2.127 Publication of names of persons subject to the provisions of this part.

APHIS will publish lists of persons licensed or registered in accordance with the provisions of this part in the Federal Register. The lists may be obtained upon request from the APHIS, REAC Sector Supervisor.

§ 2.128 Inspection for missing animals.

Each dealer, exhibitor, intermediate handler and carrier shall allow, upon request and during business hours, police or officers of other law enforcement agencies with general law

⁵ An operator of an auction sale is not considered to have acquired a dog or cat which is sold through the auction sale.

enforcement authority (not those agencies whose duties are limited to enforcement of local animal regulations) to enter his or her place of business to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions:

(a) The police or other law officer shall furnish to the dealer, exhibitor, intermediate handler or carrier a written description of the missing animal and the name and address of its owner before making a search.

(b) The police or other law officer shall abide by all security measures required by the dealer, exhibitor, intermediate handler or carrier to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required, or to prevent the escape of an animal.

§ 2.129 Confiscation and destruction of animals.

(a) If an animal being held by a dealer, exhibitor, intermediate handler, or by a carrier is found by an APHIS official to be suffering as a result of the failure of the dealer, exhibitor, intermediate handler, or carrier to comply with any provision of the regulations or the standards set forth in this subchapter, the APHIS official shall make a reasonable effort to notify the dealer, exhibitor, intermediate handler, or carrier of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the dealer, exhibitor, intermediate handler, or carrier refuses to comply with this request, the APHIS official may confiscate the animal(s) for care, treatment, or disposal as indicated in paragraph (b) of this section, if, in the opinion of the Administrator, the circumstances indicate the animal's health is in danger.

(b) In the event that the APHIS official is unable to locate or notify the dealer, exhibitor, intermediate handler, or carrier as required in this section, the APHIS official shall contact a local police or other law officer to accompany him to the premises and shall provide for adequate care when necessary to alleviate the animal's suffering. If in the opinion of the Administrator, the condition of the animal(s) cannot be corrected by this temporary care, the APHIS official shall confiscate the animals.

(c) Confiscated animals may be placed, by sale or donation, with other licensees or registrants which comply with the standards and regulations and can provide proper care, or they may be

euthanized. The dealer, exhibitor, intermediate handler, or carrier from whom the animals were confiscated shall bear all costs incurred in performing the placement or euthanasia activities authorized by this section.

§ 2.130 Minimum age requirements.

No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, or shall be transported in commerce by any person, except to a registered research facility, unless such dog or cat is at least eight (8) weeks of age and has been weaned.

§ 2.131 Handling of animals.

(a)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

(2)(i) Physical abuse shall not be used to train, work, or otherwise handle animals.

(ii) Deprivation of food or water shall not be used to train, work, or otherwise handle animals; *Provided, however*, That the short-term withholding of food or water from animals by exhibitors is allowed by these regulations as long as each of the animals affected receives its full dietary and nutrition requirements each day.

(b)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

(2) Performing animals shall be allowed a rest period between performances at least equal to the time for one performance.

(3) Young or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being.

(4) Drugs, such as tranquilizers, shall not be used to facilitate, allow, or provide for public handling of the animals.

(c)(1) Animals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being.

(2) A responsible, knowledgeable, and readily identifiable employee or attendant must be present at all times during periods of public contact.

(3) During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision

of a knowledgeable and experienced animal handler.

(4) If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.

§ 2.132 Procurement of random source dogs and cats, dealers.

(a) A class "B" dealer may obtain live random source dogs and cats only from:

(1) Other dealers who are licensed under the Act and in accordance with the regulations in part 2;

(2) State, county, or city owned and operated animal pounds or shelters; and

(3) A legal entity organized and operated under the laws of the State in which it is located as an animal pound or shelter, such as a humane shelter or contract pound.

(b) A class "B" dealer shall not obtain live random source dogs and cats from individuals who have not bred and raised the dogs and cats on their own premises.

(c) Live nonrandom source dogs and cats may be obtained from persons who have bred and raised the dogs and cats on their own premises, such as hobby breeders.

(d) No person shall obtain live random source dogs or cats by use of false pretenses, misrepresentation, or deception.

(e) Any dealer, exhibitor, research facility, carrier, or intermediate handler who also operates a private or contract animal pound or shelter shall comply with the following:

(1) The animal pound or shelter shall be located on premises that are physically separated from the licensed or registered facility. The animal housing facility of the pound or shelter shall not be adjacent to the licensed or registered facility.

(2) Accurate and complete records shall be separately maintained by the licensee or registrant and by the pound or shelter. The records shall be in accordance with §§ 2.75 and 2.76, unless the animals are lost or stray. If the animals are lost or stray, the pound or shelter records shall provide:

(i) An accurate description of the animal;

(ii) How, where, from whom, and when the dog or cat was obtained;

(iii) How long the dog or cat was held by the pound or shelter before being transferred to the dealer; and

(iv) The date the dog or cat was transferred to the dealer.

(3) Any dealer who obtains or acquires a live random source dog or cat from a private or contract pound or

shelter, including a pound or shelter he or she operates, shall hold the dog or cat for a period of at least 10 full days, not including the day of acquisition, excluding time in transit, after acquiring the animal, and otherwise in accordance with § 2.101.

PART 3—STANDARDS

1. The authority citation for part 3 is revised to read as follows:

Authority: 7 U.S.C. 2131–2156; 7 CFR 2.17, 2.51, and 371.2(d).

§ 3.10 [Removed and Reserved]

2. Subpart A is amended by removing and reserving § 3.10.

§ 3.34 [Removed and Reserved]

3. Subpart B is amended by removing and reserving § 3.34.

§ 3.59 [Removed and Reserved]

4. Subpart C is amended by removing and reserving § 3.59.

§ 3.84 [Removed and Reserved]

5. Subpart D is amended by removing and reserving § 3.84.

§ 3.110 [Amended]

6. Subpart E, § 3.110, paragraphs (a) through (c) are removed, and paragraphs (d) through (g) are redesignated respectively as paragraphs (a) through (d).

§ 3.111 [Removed and Reserved]

7. Subpart E is amended by removing and reserving § 3.111.

§§ 3.134 and 3.135 [Removed and Reserved]

8. Subpart F is amended by removing and reserving §§ 3.134 and 3.135.

Done in Washington, DC, this 25th day of August 1989.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–20424 Filed 8–30–89; 8:45 am]

BILLING CODE 3410–34–M

Asbestos
Test
Report

Thursday
August 31, 1989

Part V

**Environmental
Protection Agency**

**Asbestos-Containing Materials in Schools;
EPA Approved Courses and Accredited
Laboratories Under the Asbestos Hazard
Emergency Response Act (AHERA);
Notice**

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62079; FRL 3638-2]

Asbestos-Containing Materials in Schools; EPA Approved Courses and Accredited Laboratories Under the Asbestos Hazard Emergency Response Act (AHERA)**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In section 206(c)(3) of Title II, the Administrator, in consultation with affected organizations, was directed to publish (and revise as necessary) a list of asbestos courses and tests in effect before the date of enactment of this title which qualify for equivalency treatment for interim accreditation purposes, and a list of asbestos courses and tests which the Administrator determines are consistent with the Model Plan and which will qualify a contractor for accreditation. In addition, under the amendment to TSCA Title II, section 206(f) was added which requires the Administrator to publish quarterly, beginning August 31, 1988, a list of EPA-approved asbestos training courses. The Administrator is also required to publish on a quarterly basis beginning August 31, 1988, a list of laboratories which have received accreditation from EPA. This Federal Register notice includes the cumulative eighth list of course approvals and a list that includes State accreditation programs that EPA has approved as meeting the requirements of the Model Plan. Additionally, this notice includes the most current list of accredited laboratories as of August 15, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 382-3790, TDD: (204) 554-0551.

SUPPLEMENTARY INFORMATION: Section 206 of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2646, required EPA to develop a Model Contractor Accreditation Plan by April 20, 1987. The plan was issued on April 20, 1987, and was published in the Federal Register of April 30, 1987 (52 FR 15875), as Appendix C to Subpart E, 40 CFR Part 763.

To conduct asbestos-related work in schools, persons must receive accreditation in order to inspect school buildings for asbestos, develop management plans, and design or

conduct response actions. Such persons can be accredited by States, which are required under Title II to adopt contractor accreditation plans at least as stringent as the EPA Model Plan, or by completing an EPA-approved training course and passing an examination for such course. The EPA Model Contractor Accreditation Plan establishes those areas of knowledge of asbestos inspection, management plan development, and response action technology that persons seeking accreditation must demonstrate and States must include in their accreditation programs.

In the Federal Register of October 30, 1987 (52 FR 41826), EPA promulgated a final "Asbestos-Containing Materials in Schools" rule (40 CFR Part 763, Subpart E) which required all local education agencies (LEAs) to identify asbestos-containing materials (ACM) in their school buildings and take appropriate actions to control the release of asbestos fibers. The LEAs are also required to describe their activities in management plans, which must be made available to the public and submitted to State governors. Under Title II, LEAs are required to use specially trained persons to conduct inspections for asbestos, develop the management plans, and design or conduct major actions to control asbestos. The new rule took effect on December 14, 1987.

The length of initial training courses for accreditation under the Model Plan varies by discipline. Briefly, inspectors must take a 3-day training course; management planners must take the inspection course plus an additional 2 days devoted to management planning; and abatement project designers are required to have at least 3 days of training. In addition, asbestos abatement contractors and supervisors must take a 4-day training course and asbestos abatement workers are required to take a 3-day training course. For all disciplines, persons seeking accreditation must also pass an examination and participate in annual re-training courses. A complete description of accreditation requirements can be found in the Model Accreditation Plan at 40 CFR Part 763, Subpart E, Appendix C.I.1.A through E.

In section 206(c)(3) of Title II, and as amended by section 206(f), the Administrator, in consultation with affected organizations, is directed to publish quarterly a list of asbestos courses and tests in effect before the date of enactment of this title which qualified for equivalency treatment for interim accreditation purposes, and a list of asbestos courses and tests which the Administrator determined were

consistent with the Model Plan and which qualify a contractor for accreditation. In addition, the Agency has included in this notice the most current list of laboratories which have received interim accreditation from EPA or full accreditation from the National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), for the analysis of bulk materials for asbestos by polarized light microscopy (PLM).

The Federal Register notice of October 30, 1987, included the initial list of course approvals. In addition, the list included State accreditation programs that EPA has approved as meeting the requirements of the Model Plan. The second Federal Register notice of February 10, 1988 (53 FR 3982), the third Federal Register notice of June 1, 1988 (53 FR 20066), the fourth Federal Register notice of August 31, 1988 (53 FR 33574), the fifth Federal Register notice of November 30, 1988 (53 FR 48424), the sixth Federal Register notice of February 28, 1989 (54 FR 8438), and the seventh Federal Register notice of May 31, 1989 (54 FR 23392), were cumulative listings of EPA course approvals and EPA approved State accreditation programs.

This Federal Register notice is divided into five units. Unit I discusses EPA approval of State accreditation programs. Unit II covers EPA approval of training courses. Unit III discusses EPA approval of training courses for interim accreditation. Unit IV provides the list of State accreditation programs and training courses approved by EPA as of April 1989. Unit V contains a listing of all laboratories under the EPA Interim Accreditation Program and the NIST accreditation program for laboratories that are conducting analysis of bulk samples of ACMs. Subsequent Federal Register notices will add other State programs and training courses as well as accredited laboratories to this eighth cumulative list.

I. EPA Approval of State Accreditation Programs

As discussed in the Model Plan, EPA is able to approve State accreditation programs that the Agency determines are at least as stringent as the Model Plan. In addition, the Agency is able to approve individual disciplines within a State's accreditation program. For example, a State that currently only has an accreditation requirement for inspectors can receive EPA approval for that discipline immediately rather than waiting to develop accreditation requirements for all disciplines in the Model Plan before seeking EPA

approval. EPA can also approve State training programs that do not fully meet the Model Plan's requirements but do meet the requirements for interim accreditation.

As listed in Unit IV, Arkansas, Colorado, Delaware, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, Virginia, and Utah have received EPA full approval for two accreditation disciplines, abatement workers as well as contractors and supervisors, that are at least as stringent as the Model Plan. In addition, the States of Colorado, Iowa, Massachusetts, Michigan, North Dakota, Rhode Island, South Dakota, Utah, and Virginia have received full approval for their inspector/management planner and project designer disciplines. Any training courses in those disciplines approved by the aforementioned States are EPA-approved courses for purposes of accreditation. These training courses are EPA-approved courses for purposes of TSCA Title II in these States and in all States without an EPA-approved accreditation program for that discipline. Current lists of training courses approved by Arkansas, Massachusetts, Michigan, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, and Virginia are listed under Unit IV. Kansas, Michigan, and Minnesota do not have separate provider listings since the States have not independently approved any additional courses.

Each State accreditation program may have different requirements for State accreditation. For example, New Jersey requires participants of their courses to take the State exam. Therefore, those New Jersey-approved course sponsors who are contemplating presenting the training in another State must develop their own examination. They must also submit a detailed statement about the development of the course examination as required by the Model Plan to the Regional Asbestos Coordinator in their region for EPA approval.

EPA has also approved a number of State programs for purposes of providing interim accreditation for persons who have met the training and examination requirements of these State programs. Persons meeting such requirements in these States have completed a training course and examination similar to the Model Plan's requirements before December 14, 1987. However, these individuals must become fully accredited within the time period specified in the Model Plan.

States that have approval for interim accreditation purposes for abatement

contractors, supervisors, and workers include Alaska and Washington. Illinois has approval for interim accreditation purposes for abatement workers only. Persons with interim accreditation in these States are eligible to conduct work during the time period specified in the Model Plan. However, these persons must eventually become fully accredited. In addition, these persons must take a complete EPA-approved course (see Unit II) or an EPA-approved State program's course for full accreditation. In most States, the complete course will have to be taken before autumn 1989. All States programs nationwide that do not fully meet the Model Plan's requirements must be upgraded within the time period specified in TSCA Title II to be at least as stringent as the Model Plan.

II. EPA Approval of Training Courses

A cumulative list of training courses approved by EPA is listed under Unit IV. The examinations for these approved courses under Unit IV have also been approved by EPA. EPA has three categories of course approval: full, contingent, and approved for interim accreditation. Courses approved for interim accreditation will be discussed in Unit III.

Full approval means EPA has reviewed and found acceptable the course's written submission seeking EPA approval and has conducted an on-site audit and determined that the training course meets or exceeds the Model Plan's training requirements for the relevant discipline.

Contingent approval means the Agency has reviewed the course's written submission seeking EPA approval and found the material to be acceptable (i.e., the written course materials meet the Model Plan's training course requirements). However, EPA has not yet conducted an on-site audit.

Successful completion of either a fully approved course or a contingently approved course provides full accreditation for course attendees. If EPA subsequently audits a contingently approved course and withdraws approval due to deficiencies discovered during the audit, future course offerings would no longer have EPA approval. However, withdrawal of EPA approval would not effect the accreditation of persons who took previously offered training courses, including the course audited by EPA.

EPA-approved training courses listed under Unit IV are approved on a national basis. EPA has organized Unit IV by EPA Region to assist the public in locating those training courses that are offered nearby. Training courses are

listed in the Region where the training course is headquartered. Although several sponsors offer their courses in various locations throughout the United States, a large number of course sponsors provide most of their training within their own Region.

EPA-approved State accreditation programs have the authority to have more stringent accreditation requirements than the Model Plan. As a result, some EPA-approved training courses listed under Unit IV may not meet the requirements of a particular State's accreditation program. Sponsors of training courses and persons who have received accreditation or are seeking accreditation should contact individual States to check on accreditation requirements.

A number of training courses offered before EPA issued the Model Plan equaled or exceeded the subsequently issued Model Plan's training course requirements. These courses are listed under Unit IV as being fully approved. It should be noted that persons who have successfully completed these courses are fully accredited; they are not limited only to being accredited on an interim basis.

III. EPA Approval of Training Courses for Interim Accreditation

TSCA Title II enables EPA to permit persons to be accredited on an interim basis if they have attended previous EPA-approved asbestos training and have passed (or pass) an asbestos examination. As a result, the Agency has approved training courses offered previously for purposes of accrediting persons on an interim basis. Only those persons who have taken training courses since January 1, 1985, will be considered under these interim accreditation provisions. In addition, EPA will not grant interim accreditation to any person who takes an equivalent training course after the date on which the asbestos-in-schools rule took effect (i.e., December 14, 1987). This accreditation is interim since the person shall be considered accredited for only 1 year after the date on which the State where the person is employed establishes an accreditation program at least as stringent as the EPA Model Plan. If the State does not adopt an accreditation program within the time period required by Title II, persons with interim accreditation must become fully accredited within 1 year after the date the State was required to have established a program. These persons must take a complete EPA-approved course (see Unit II) or an EPA-approved State program's course for full

accreditation. In most States, the complete course will have to be taken before autumn 1989.

Under the Model Plan, an equivalent training course for interim accreditation purposes is one that is essentially similar in length and content to the curriculum found in the Model Plan. In addition, an equivalent examination must be essentially similar to the examination requirements found in the Model Plan.

Persons who have taken equivalent courses in their discipline for purposes of interim accreditation, and can produce evidence that they have successfully completed the course by passing an examination, are accredited on an interim basis under TSCA Title II. Evidence of successful completion of a course would include a certificate or photo identification card that showed the person completed the training course on a certain date and passed the examination.

For persons who took one of the EPA-approved courses for interim accreditation listed under Unit IV, but did not take the course's examination, these persons may become accredited on an interim basis by passing an examination at an EPA-funded training center. These EPA-funded training centers are listed under Unit IV. Before taking the examination, persons must provide evidence to the EPA-funded center that they previously had taken one of the training courses listed under Unit IV that is approved by EPA for interim accreditation.

The New York City Department of Environmental Protection, Bureau of Air Resources has a training program for asbestos abatement workers and contractors/supervisors that does meet the requirements for EPA approval of training courses for interim accreditation (See Unit IV, Region II). As a result, persons who have met the training and examination requirements of the New York City Abatement Worker (i.e., "handler") or Contractor/Supervisor program between April 1, 1987 and December 14, 1987, are accredited as listed under Unit IV on an interim basis.

Courses approved by EPA as of April 1989 for interim accreditation are listed under Unit IV. Examinations offered by these courses also are approved for purposes of interim accreditation.

IV. List of EPA-Approved State Accreditation Programs and Training Courses

The eighth cumulative listing of EPA-approved State accreditation programs and training courses is listed in Unit IV. As discussed above, quarterly

notifications of EPA approval of State accreditation programs and EPA approval of training courses will be published in subsequent Federal Register notices. The closing date for the acceptance of submissions to EPA for inclusion in this eighth notice was July 1989. Omission from this list does not imply disapproval by EPA, nor does the order of the courses reflect priority or quality. The format of the notification lists first the State accreditation programs approved by EPA, followed by EPA-approved training courses listed by Region. The name, address, phone number, and contact person is provided for each training provider followed by the courses and type of course approval (i.e., full, contingent, or for interim purposes). Unless otherwise specified by an alternative date, interim approvals are issued from January 1, 1985.

As of July 28, 1989, a total of 489 training providers are offering 887 EPA-approved training courses for accreditation under TSCA Title II. There are 396 asbestos abatement worker courses, 296 contractor/supervisor courses, 161 inspector/management planner courses, 14 inspector only courses, and 20 project designer courses. In addition, EPA has approved 475 refresher courses. Eighteen States have either interim or fully approved State accreditation programs in one or more disciplines.

The EPA-funded model course for inspectors and management planners is available in final form. In addition, a previous EPA developed course for asbestos abatement contractors and supervisors has been revised and is available in final form for interested parties that plan to offer training courses. EPA anticipates that its model worker course will be available in autumn 1989. A fee for each course will be charged to cover the reproduction costs for the written and visual aid materials. Interested parties should contact the following firm to receive copies of the training courses: ATLAS Federal Services, Inc., EPA AHERA Program, 6011 Executive Blvd., Rockville, MD 20852, Phone number: (301) 468-1916.

The following is the cumulative list of EPA-approved State accreditation programs and training courses:

Approved State Accreditation Programs

(1)(a) State: Arkansas.

State Agency: Arkansas Dept. of Pollution Control and Ecology,
Address: 8001 National Dr., P.O. Box 9583, Little Rock, AR 72209, Contact: Wilson Telefree, Phone: (501) 562-7444.

(b) Approved Accreditation Program Disciplines:

Abatement Worker (interim from 11/22/85).

Abatement Worker (full from 1/22/88), Contractor/Supervisor (interim from 11/22/85).

Contractor/Supervisor (full from 1/22/88).

Arkansas Department of Pollution Control and Ecology, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

(i)(a) Training Provider: Arkansas Laborers Training Fund.

Address: 4501 West 61st St., Little Rock, AR 72209, Contact: W. Rudy Osborne, Phone: (501) 562-5502.

(b) Approved Course:

Abatement Worker (Certified 5/2/88).

(ii)(a) Training Provider: Asbestos Training & Employment, Inc.

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Bruce H. Connell, Phone: (219) 874-7348.

(b) Approved Courses:

Abatement Worker (Certified 5/18/88), Contractor/Supervisor (Certified 5/18/88).

(iii)(a) Training Provider: Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Charles M. Flanders, Phone: (713) 921-8921.

(b) Approved Courses:

Abatement Worker (Certified 9/12/88), Contractor/Supervisor (Certified 9/12/88).

(iv)(a) Training Provider: Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) Approved Course:

Contractor/Supervisor (Certified 10/7/88).

(v)(a) Training Provider: Environmental Technologies.

Address: P.O. Box 21243, Little Rock, AR 72221, Contact: Phyllis Moore, Phone: (501) 569-3518.

(b) Approved Courses:

Abatement Worker (Certified 3/16/88), Contractor/Supervisor (Certified 3/16/88).

(vi)(a) Training Provider: Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66044, Contact: Patrick Shrepf, Phone: (913) 749-2381.

(b) Approved Courses:

Abatement Worker (Certified 6/8/88).

Contractor/Supervisor (Certified 6/8/88).
 (vii)(a) *Training Provider:* Professional Asbestos Training Service. Address: P.O. Box 45233, Little Rock, AR 72214, Contact: Harold Lewis, Phone: (501) 562-1519.

(b) *Approved Courses:*
 Abatement Worker (Certified 4/18/88). Contractor/Supervisor (Certified 4/18/88).
 (viii)(a) *Training Provider:* University of Arkansas.

Address: 521 South Razorback Rd., Fayetteville, AR 72701, Contact: Greg Weeks, Phone: (501) 575-6175.

(b) *Approved Course:*
 Abatement Worker (Certified 10/7/88).
 (2)(a) *State:* Colorado.

State Agency: Colorado Dept. of Health, Address: 4210 East 11th Ave., Denver, CO 80220, Contact: David R. Ouimette, Phone: (303) 320-8333.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89). Contractor/Supervisor (full from 7/8/89).

Inspector/Management Planner (full from 7/8/89).

Project Designer (full from 7/8/89).

(3)(a) *State:* Delaware.

State Agency: Delaware Dept. of Administrative Services, Address: O'Neill Building, P.O. Box 1401, Dover, DE 19903, Contact: Robert Foster, Phone: (302) 736-5644.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 8/14/89). Contractor/Supervisor (full from 8/14/89).

Delaware Department of Administrative Services, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

(i)(a) *Training Provider:* Delaware Technical & Community College Terry Campus.

Address: 1832 North Dupont Pkwy., Dover, DE 19901, Contact: David T. Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88). Contractor/Supervisor (Certified 4/1/88).

(4)(a) *State:* Iowa.

State Agency: Iowa Dept. of Education School Facilities Administration & Accreditation, Address: Grimes State Office Bldg., Des Moines, IA 50319-0146, Contact: C. Milton Wilson, Phone: (515) 281-4743.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/30/87). Contractor/Supervisor (full from 11/30/87).

Inspector (full from 11/30/87). Inspector/Management Planner (full from 11/30/87). Project Designer (full from 11/30/87).

Iowa Department of Education Administrative Finance School Plant Facilities, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers

(i)(a) *Training Provider:* Iowa Environmental Services, Inc.

Address: 820 First St., Suite 200, West Des Moines, IA 50365, Contact: Glenn Sawyer, Phone: (515) 279-8042.

(b) *Approved Course:*

Abatement Worker (Certified 3/27/89).

(5)(a) *State:* Kansas.

State Agency: Kansas Dept. of Health and Environment Asbestos Control Section, Address: Forbes Field Building 740, Topeka, KS 66620-7430, Contact: Howard F. Saiger, Phone: (913) 296-1544.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/6/86).*

Abatement Worker (full from 12/16/87).*

Contractor/Supervisor (interim from 11/6/86).

Contractor/Supervisor (full from 12/16/87).

(6)(a) *State:* Massachusetts.

State Agency: Massachusetts Dept. of Labor & Industries; Division of Occupational Hygiene, Address: 1001 Watertown St., West Newton, MA 02165, Contact: Patricia Circone, Phone: (617) 727-3983.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/30/87). Contractor/Supervisor (full from 10/30/87).

Inspector (full from 10/30/87).

Inspector/Management Planner (full from 10/30/87).

Project Designer (full from 10/30/87).

Massachusetts Department of Health, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers

(i)(a) *Training Provider:* A & S Training School, Inc.

* Applies only to workers who have taken the Kansas Contractor/Supervisor course and passed the State's worker exam.

Address: 99 S. Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/4/88).

Contractor/Supervisor Annual Review (Certified 5/4/89).

(ii)(a) *Training Provider:* Abatement Technical Corporation c/o Ecosystems, Inc.

Address: 5 North Meadow Rd., Medfield, MA 02052, Contact: Joseph C. Mohnen, Phone: (609) 692-0883.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).

Contractor/Supervisor (Certified 4/28/88).

Inspector/Management Planner (Certified 4/28/88).

Project Designer (Certified 4/28/88).

(iii)(a) *Training Provider:* Asbestos Workers Union Local No. 6.

Address: 1725 Revere Beach Pkwy., Everett, MA 02149, Contact: James P. McCourt, Phone: (617) 387-2679.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/88).

Abatement Worker Annual Review (Certified 4/25/89).

Contractor/Supervisor (Certified 4/25/88).

Contractor/Supervisor Annual Review (Certified 4/25/89).

(iv)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary Dipaolo, Phone: (718) 387-0011.

(b) *Approved Course:*

Abatement Worker (Certified 4/8/88).

(v)(a) *Training Provider:* Astral Environmental Assoc.

Address: 3 Adams Lane, Westford, MA 01886, Contact: Dorothy Young, Phone: (508) 692-2070.

(b) *Approved Course:*

Abatement Worker (Certified 6/5/89).

(vi)(a) *Training Provider:* BCM Engineering.

Address: 12 Alfred St., Suite 300, Woburn, MA 01801, Contact: Pam Evans, Phone: (617) 935-7080.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).

Inspector/Management Planner (Certified 4/28/88).

Project Designer (Certified 4/28/88).

(vii)(a) *Training Provider:* Briggs Associates, Inc.

Address: 400 Hingham St., P.O. Box 369, Rockland, MA 02370, Contact: Paul Skorohod, Phone: (617) 871-6040.

(b) *Approved Course:*
 Project Designer (Certified 1/10/88).
 (viii)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.
 Address: 100 Crossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.
 (b) *Approved Courses:*
 Abatement Worker (Certified 9/26/88).
 Abatement Worker Annual Review (Certified 9/26/88).
 Contractor/Supervisor (Certified 9/26/88).
 Contractor/Supervisor Annual Review (Certified 9/26/88).
 Inspector/Management Planner (Certified 9/26/88).
 Inspector/Management Annual Review (Certified 9/26/88).
 Project Designer (Certified 9/26/88).
 (ix)(a) *Training Provider:* Con-Test, Inc.
 Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.
 (b) *Approved Courses:*
 Abatement Worker (Certified 2/25/88).
 Abatement Worker Annual Review (Certified 2/25/88).
 Contractor/Supervisor (Certified 2/25/88).
 Contractor/Supervisor Annual Review (Certified 2/25/88).
 Inspector/Management Planner (Certified 2/25/88).
 Inspector/Management Annual Review (Certified 2/25/88).
 Project Designer (Certified 2/25/88).
 (x)(a) *Training Provider:* Dennison Environmental, Inc.
 Address: 35 Industrial Hwy., Woburn, MA 01880, Contact: Joan Ryan, Phone: (617) 932-9400.
 (b) *Approved Courses:*
 Abatement Worker (Certified 4/8/88).
 Abatement Worker Annual Review (Certified 4/8/88).
 Contractor/Supervisor (Certified 4/8/88).
 Contractor/Supervisor Annual Review (Certified 4/8/88).
 Inspector (Certified 4/8/88).
 Inspector/Management Annual Review (Certified 4/8/88).
 Project Designer (Certified 4/8/88).
 (xi)(a) *Training Provider:* Environmental Training Corp.
 Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Ann Folta, Phone: (413) 589-1882.
 (b) *Approved Courses:*
 Abatement Worker (Certified 8/5/88).
 Abatement Worker Annual Review (Certified 8/5/88).
 Contractor/Supervisor (Certified 8/5/88).

Contractor/Supervisor Annual Review (Certified 8/5/88).
 Project Designer (Certified 8/5/88).
 (xii)(a) *Training Provider:* Environmental Training Services.
 Address: 115 New Boston St., Woburn, MA 01801, Contact: Kenneth P. Martin, Jr., Phone: (617) 938-8062.
 (b) *Approved Courses:*
 Abatement Worker (Certified 4/8/88).
 Abatement Worker Annual Review (Certified 4/8/88).
 Contractor/Supervisor (Certified 4/8/88).
 Contractor/Supervisor Annual Review (Certified 4/8/88).
 Project Designer (Certified 4/8/88).
 Project Designer Annual Review (Certified 4/8/88).
 (xiii)(a) *Training Provider:* General Physics Corp.
 Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andy Marsh, Phone: (301) 290-2300.
 (b) *Approved Courses:*
 Abatement Worker Annual Review (Certified 9/6/88).
 Contractor/Supervisor (Certified 9/6/88).
 Contractor/Supervisor Annual Review (Certified 9/6/88).
 Project Designer (Certified 9/6/88).
 (xiv)(a) *Training Provider:* Hall-Kimbrell Environmental Services.
 Address: P.O. Box 307, Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 346-2860.
 (b) *Approved Courses:*
 Abatement Worker (Certified 4/25/88).
 Abatement Worker Annual Review (Certified 4/25/88).
 Contractor/Supervisor (Certified 4/25/88).
 Contractor/Supervisor Annual Review (Certified 4/25/88).
 Inspector/Management Annual Review (Certified 4/25/88).
 Inspector/Management Planner (Certified 4/25/88).
 Project Designer (Certified 4/25/88).
 Project Designer Annual Review (Certified 4/25/88).
 (xv)(a) *Training Provider:* Harvard School of Public Health.
 Address: 677 Huntington Ave., Boston, MA 02115, Contact: William A. Burgass, Phone: (617) 732-1171.
 (b) *Approved Courses:*
 Contractor/Supervisor (Certified 2/25/88).
 Inspector/Management Planner (Certified 2/25/88).
 Inspector/Management Annual Review (Certified 5/25/88).
 Project Designer (Certified 2/25/88).

Project Designer Annual Review (Certified 5/25/88).
 (xvi)(a) *Training Provider:* Hygeia, Inc.
 Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.
 (b) *Approved Courses:*
 Abatement Worker (Certified 8/5/88).
 Contractor/Supervisor (Certified 8/5/88).
 Project Designer (Certified 8/5/88).
 (xvii)(a) *Training Provider:* Hygienetics, Inc.
 Address: 150 Causeway St., Boston, MA 02114, Contact: Marybeth Carver, Phone: (617) 723-4664.
 (b) *Approved Courses:*
 Abatement Worker Annual Review (Certified 2/25/88).
 Contractor/Supervisor (Certified 2/25/88).
 Contractor/Supervisor Annual Review (Certified 2/25/88).
 Inspector/Management Annual Review (Certified 2/25/88).
 Inspector/Management Planner (Certified 2/25/88).
 Project Designer (Certified 2/25/88).
 (xviii)(a) *Training Provider:* Institute for Environmental Education.
 Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.
 (b) *Approved Courses:*
 Abatement Worker (Certified 4/28/88).
 Abatement Worker Annual Review (Certified 5/26/88).
 Contractor/Supervisor (Certified 4/28/88).
 Contractor/Supervisor Annual Review (Certified 5/26/88).
 Inspector/Management Annual Review (Certified 5/26/88).
 Inspector/Management Planner (Certified 4/28/88).
 Project Designer (Certified 4/28/88).
 (xix)(a) *Training Provider:* JF Walton & Co.
 Address: 201 Marginal St., P.O. Box 6120, Chelsea, MA 02150, Contact: Richard King, Phone: (617) 884-0350.
 (b) *Approved Courses:*
 Abatement Worker (Certified 3/28/88).
 Abatement Worker Annual Review (Certified 3/28/88).
 (xx)(a) *Training Provider:* Kaselaan & D'Angelo Associates.
 Address: 500 Victory Rd., Suite 270, North Quincy, MA 02171, Contact: David Kaplan, Phone: (617) 472-1330.
 (b) *Approved Courses:*
 Abatement Worker (Certified 2/25/88).

Abatement Worker Annual Review (Certified 2/25/89).
 Contractor/Supervisor (Certified 2/25/88).
 Contractor/Supervisor Annual Review (Certified 2/25/89).
 Inspector/Management Annual Review (Certified 2/25/89).
 Inspector/Management Planner (Certified 2/25/88).
 Project Designer (Certified 2/25/88).
 (xxi)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/89).
 Contractor/Supervisor (Certified 1/11/89).
 Contractor/Supervisor Annual Review (Certified 1/11/89).
 Project Designer (Certified 1/11/89).

(xxii)(a) *Training Provider:* National Asbestos Training Center of Kansas.
 Address: 6600 College Blvd., Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/88).
 Abatement Worker Annual Review (Certified 5/20/89).
 Contractor/Supervisor (Certified 5/20/88).
 Contractor/Supervisor Annual Review (Certified 5/20/89).

(xxiii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/88).
 Contractor/Supervisor (Certified 5/10/88).
 Contractor/Supervisor Annual Review (Certified 5/10/89).

(xxiv)(a) *Training Provider:* New England Laborers Training Trust Fund.
 Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
 Abatement Worker Annual Review (Certified 2/25/89).
 Contractor/Supervisor (Certified 2/25/89).
 Contractor/Supervisor Annual Review (Certified 8/8/89).

(xxv)(a) *Training Provider:* Northern Asbestos Abatement Co.

Address: 757 A Turnpike St., North Andover, MA 01845, Contact: J. William Vitta, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 3/18/89).
 Abatement Worker Annual Review (Certified 3/18/89).
 Contractor/Supervisor (Certified 3/18/89).
 Contractor/Supervisor Annual Review (Certified 3/18/89).
 Project Designer (Certified 3/18/89).
 Project Designer Annual Review (Certified 3/18/89).

(xxvi)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin Tift, Phone: (315) 451-4700.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 1/7/88).

Project Designer (Certified 1/7/88).

(xxvii)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/6/88).
 Abatement Worker Annual Review (Certified 5/16/89).

Contractor/Supervisor (Certified 5/6/88).

Contractor/Supervisor Annual Review (Certified 5/16/89).

(xxviii)(a) *Training Provider:* Safety Council of Western Massachusetts.

Address: 90 Berkshire Ave., Springfield, MA 01109, Contact: Tate Berkan, Phone: (413) 737-7908.

(b) *Approved Courses:*

Abatement Worker (Certified 6/21/88).
 Abatement Worker Annual Review (Certified 6/21/89).
 Project Designer (Certified 6/21/88).
 Project Designer Annual Review (Certified 6/21/89).

(xxix)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Bill Ewing, Phone: (404) 425-2000.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/28/88).

Contractor/Supervisor Annual Review (Certified 10/28/88).

Inspector/Management Planner (Certified 10/28/88).

Project Designer (Certified 10/28/88).

(xxx)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).

Abatement Worker Annual Review (Certified 3/16/89).

Contractor/Supervisor (Certified 3/16/88).

Contractor/Supervisor Annual Review (Certified 3/16/89).

Inspector/Management Annual Review (Certified 3/16/89).

Inspector/Management Planner (Certified 3/16/88).

Project Designer (Certified 3/16/88).

Project Designer Annual Review (Certified 3/16/89).

(xxxi)(a) *Training Provider:* Universal Engineering Corp.

Address: 100 Boylston St., Boston, MA 02116, Contact: Janet Hester, Phone: (617) 542-8216.

(b) *Approved Courses:*

Project Designer (Certified 8/5/88).

Project Designer Annual Review (Certified 8/5/89).

(xxxii)(a) *Training Provider:* University of Massachusetts, Division of Environmental Health & Safety.

Address: N414 Morrill Science Center, Amherst, MA 01003, Contact: Donald Robinson, Phone: (413) 545-2682.

(b) *Approved Courses:*

Project Designer (Certified 10/3/88).

Project Designer Annual Review (Certified 10/3/88).

(xxxiii)(a) *Training Provider:* Weston-Atc, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Ron Thompson, Phone: (205) 826-6100.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/25/89).

Contractor/Supervisor Annual Review (Certified 5/25/89).

Inspector/Management Annual Review (Certified 5/25/89).

Inspector/Management Planner (Certified 5/25/89).

Project Designer (Certified 5/25/89).

Project Designer Annual Review (Certified 5/25/89).

(7)(a) *State:* Michigan.

State Agency: State of Michigan Dept. of Public Health, Address: 3500 North Logan, P.O. Box 30035, Lansing, MI 48909, Contact: Bill DeLiefde, Phone: (517) 335-8186.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/13/89).

Contractor/Supervisor (full from 4/13/89).

Inspector (full from 4/13/89).

Inspector/Management Planner (full from 4/13/89).

Project Designer (full from 4/13/89).

(8)(a) *State:* Minnesota.

State Agency: Minnesota Dept. of Health Section of Occupational Health, Address: 717 Southeast Delaware St., Minneapolis, MN 55440-9441, Contact: William A. Fetzner, Phone: (612) 623-5380.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/3/88).
Contractor/Supervisor (full from 10/3/88).

(9)(a) *State:* New Jersey.

State Agency: State of New Jersey Dept. of Health, Address: CN 360, Trenton, NJ 08625-0360, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 6/18/85).
Contractor/Supervisor (full from 6/18/85).

New Jersey Department of Health, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

*NOTE.--New Jersey approved course providers who present the training in another State must develop their own examination. They must also submit a detailed statement about the development of the course examination, as required by the Model Plan, to the Regional Asbestos Coordinator in their Region for EPA approval.

(i)(a) *Training Provider:* Alternative Ways.

Address: Barclay Pavillion, Suite 222 E, Rte. 70 E, Cherry Hill, NJ 08034, Contact: James Mitchell, Phone: (609) 795-1991.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/85).
Contractor/Supervisor (Certified 4/25/85).

(ii)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Carol Pacquin, Phone: (703) 624-2924.

(b) *Approved Courses:*

Abatement Worker (Certified 6/17/87).
Contractor/Supervisor (Certified 6/17/87).

(iii)(a) *Training Provider:* Asbestos Training Academy - NJ.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Jean Bodman or Ron Rominski, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/85).
Contractor/Supervisor (Certified 5/1/85).

(iv)(a) *Training Provider:* Asbestos Training Academy - NY.

Address: 315 West 36th St., 9th Fl., New York, NY 10018, Contact: R. Green or C. Hicks, Phone: (212) 971-0370.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/85).
Contractor/Supervisor (Certified 5/1/85).

(v)(a) *Training Provider:* Asbestos Training Institute - LVI, Inc.

Address: 64 South State St., South Hackensack, NJ 07606, Contact: Roger Bason, Phone: (201) 343-5133.

(b) *Approved Courses:*

Abatement Worker (Certified 3/4/87).
Contractor/Supervisor (Certified 3/4/87).

(vi)(a) *Training Provider:* BCM Eastern, Inc.

Address: One Plymouth Meeting Mall, Plymouth Meeting, PA 19462, Contact: Robert Ferguson, Phone: (215) 825-3800.

(b) *Approved Courses:*

Abatement Worker (Certified 6/7/87).
Contractor/Supervisor (Certified 6/7/87).

(vii)(a) *Training Provider:* Building Laborers of N.J. - Training Center.

Address: P.O. Box 163, Jamesburg, NJ 08831, Contact: Emmanuel Riggi, Phone: (201) 521-0200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/19/85).
Contractor/Supervisor (Certified 7/19/85).

(viii)(a) *Training Provider:* Certified Abatement Technologies, Inc.

Address: 47 Midland Ave., Elmwood Park, NJ 07407, Contact: Daniel Curtin, Phone: (201) 796-9589.

(b) *Approved Courses:*

Abatement Worker (Certified 6/3/87).
Contractor/Supervisor (Certified 6/3/87).

(ix)(a) *Training Provider:* Drexel University.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross or Jackie Saguin, Phone: (215) 895-2154.

(b) *Approved Courses:*

Abatement Worker (Certified 4/13/88).
Contractor/Supervisor (Certified 4/13/88).

(x)(a) *Training Provider:* E.I. DuPont DeNemours & Co.

Address: Chamber Works, Deepwater, NJ 08023, Contact: Charles Battle or Helen Giova, Phone: (609) 540-2434.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/86).
Contractor/Supervisor (Certified 5/1/86).

(xi)(a) *Training Provider:* IT Corporation.

Address: 336 West Anaheim St., Wilmington, CA 90744, Contact: Ron Freeman, Phone: (213) 830-1720.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/85).
Contractor/Supervisor (Certified 8/29/85).

(xii)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NJ.

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Steven L'Ererio, Phone: (609) 547-6500.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).
Contractor/Supervisor (Certified 5/8/85).

(xiii)(a) *Training Provider:* Local Union No. 14.

Address: 6513 Bustleton Ave., Philadelphia, PA 19149, Contact: James Aikens, Phone: (215) 533-0395.

(b) *Approved Courses:*

Abatement Worker (Certified 8/9/85).
Contractor/Supervisor (Certified 8/9/85).

(xiv)(a) *Training Provider:* Local Union No. 32.

Address: 870 Broadway, Newark, NJ 07104, Contact: Paul Ielmini, Phone: (201) 485-3626.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/87).
Contractor/Supervisor (Certified 5/8/87).

(xv)(a) *Training Provider:* Local Union No. 42.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Robert Holden, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 10/30/85).
Contractor/Supervisor (Certified 10/30/85).

(xvi)(a) *Training Provider:* Local Union No. 89.

Address: 2733 Nottingham Way, Trenton, NJ 08619, Contact: Charles DaBronzo, Phone: (609) 587-0092.

(b) *Approved Courses:*

Abatement Worker (Certified 5/13/86).
Contractor/Supervisor (Certified 5/13/86).

(xvii)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ.

Address: 675 Hoes Lane, Piscataway, NJ 08854, Contact: Lee Laustsen, Phone: (201) 463-4500.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).

Contractor/Supervisor (Certified 7/1/86).

(xviii)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept. Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: T. Laubenthal or V. Cornwell, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/13/87). Contractor/Supervisor (Certified 1/13/87).

(xix)(a) *Training Provider:* National Asbestos Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler or Lisa Criscuolo, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (Certified 5/3/85). Contractor/Supervisor (Certified 5/3/85).

(xx)(a) *Training Provider:* National Institute on Abatement Sciences and Technology.

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607, Contact: Glenn Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/88). Contractor/Supervisor (Certified 1/16/88).

(xxi)(a) *Training Provider:* Northeastern Analytical.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: Michelle Dutkiewicz, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85). Contractor/Supervisor (Certified 5/20/85).

(xxii)(a) *Training Provider:* Princeton Testing Laboratory.

Address: 3490 U.S. Rte. 1, Princeton, NJ 08540-3108, Contact: Charles Schneckloth, Phone: (609) 452-9050.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85). Contractor/Supervisor (Certified 5/8/85).

(xxiii)(a) *Training Provider:* Temple University.

Address: 12th & Norris St., Philadelphia, PA 19122, Contact: Melvin Benarde, Phone: (215) 787-6394.

(b) *Approved Courses:*

Abatement Worker (Certified 1/24/87). Contractor/Supervisor (Certified 1/24/87).

(xxiv)(a) *Training Provider:* White Lung Association - NJ.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: Myles O'Malley/Claire Anderson, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/21/85). Contractor/Supervisor (Certified 5/21/85).

(xxv)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Floor, New York, NY 10007, Contact: Dan Manasia or Beth Garner, Phone: (212) 619-2270.

(b) *Approved Courses:*

Abatement Worker (Certified 5/21/85). Contractor/Supervisor (Certified 5/21/85).

(xxvi)(a) *Training Provider:* Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 3/31/89). Contractor/Supervisor (Certified 3/31/89).

(10)(a) *State:* North Dakota.

State Agency: State Dept. of Health & Consolidated Laboratories, Address: 1200 Missouri Ave., Box 5520, Bismark, ND 58505, Contact: Ken Wangler, Phone: (701) 224-2348.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/21/89). Contractor/Supervisor (full from 4/21/89).

Inspector (full from 4/21/89).

Inspector/Management Planner (full from 4/21/89).

Project Designer (full from 4/21/89).

North Dakota State Department of Health and Consolidated Laboratories, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers

(i)(a) *Training Provider:* Midwest Asbestos Consultants, Inc.

Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Course:*

Abatement Worker (Certified 6/30/89).

(ii)(a) *Training Provider:* Survey Management and Design.

Address: R.R. 2 Box 85-B, Fargo, ND 58102, Contact: Dave Sohm, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89). Contractor/Supervisor (Certified 6/13/89).

(iii)(a) *Training Provider:* University of North Dakota.

Address: University Station, Grand Forks, ND 58201, Contact: Dale Patrick, Phone: (701) 777-3341.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89). Contractor/Supervisor (Certified 6/13/89).

(11)(a) *State:* Oregon.

State Agency: State of Oregon Dept. of Environmental Quality, Address: 811 Southwest Sixth Ave., Portland, OR 97204, Contact: Wendy Simms, Phone: (503) 229-6414.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/23/88). Contractor/Supervisor (full from 9/23/88).

Oregon Department of Environmental Quality, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

(i)(a) *Training Provider:* Asbestos Training Project Workplace Resources.

Address: P.O. Box 11053, Eugene, OR 97440, Contact: Wendy Wiles, Phone: (503) 345-7393.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88). Contractor/Supervisor (Certified 9/23/89).

(ii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 5319 Southwest Westgate, Suite 239, Portland, OR 97221, Contact: Peter Clark, Phone: (503) 292-9406.

(b) *Approved Course:*

Abatement Worker (Certified 2/28/88).

(iii)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 Southwest Barbur, Portland, OR 97219, Contact: Tom Natsch, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88). Contractor/Supervisor (Certified 9/23/88).

(iv)(a) *Training Provider:* Laborers/AGC Apprenticeship & Training Program.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Bill Duke, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88). Contractor/Supervisor (Certified 9/23/88).

(v)(a) *Training Provider:* Marine & Environmental Testing, Inc.

Address: P.O. Box 1142, Beaverton, OR 97075, Contact: Martin Finkel, Phone: (503) 286-2950.

(b) *Approved Course:*
Abatement Worker (Certified 2/3/88).

(vi)(a) *Training Provider:* NAC Corporation.

Address: 1005 NW Galveston, Suite E, Band, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Course:*
Abatement Worker (Certified 3/23/89).

(vii)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: P.O. Box 169, Washougal, WA 98671, Contact: Cindi Rice, Phone: (206) 835-8576.

(b) *Approved Courses:*
Abatement Worker (Certified 2/14/88).
Contractor/Supervisor (Certified 2/14/88).

(12)(a) *State:* Rhode Island.

State Agency: State of Rhode Island & Providence Plantations, Department of Health, Address: 206 Cannon Bldg., 75 Davis St., Providence, RI 02908, Contact: James C. Hickey, Phone: (401) 277-3601.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/4/86).
Contractor/Supervisor (full from 2/4/86).

Rhode Island Department of Health, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

(i)(a) *Training Provider:* A & S Training School Inc.

Address: 99 S. Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Course:*
Contractor/Supervisor (Certified 3/31/89).

(ii)(a) *Training Provider:* Analytical Testing Services, Inc.

Address: 180 Weeden St., Pawtucket, RI 02860, Contact: Robert Weisberg, Phone: (401) 723-7978.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 2/10/86).

Contractor/Supervisor (Certified 2/10/86).

Contractor/Supervisor Annual Review (Certified 2/10/86).

(iii)(a) *Training Provider:* Center for Environmental Management-Tufts University.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*
Abatement Worker (Certified 7/1/88).
Abatement Worker Annual Review (Certified 3/31/89).

Contractor/Supervisor (Certified 7/1/86).

Contractor/Supervisor Annual Review (Certified 3/31/89).

(iv)(a) *Training Provider:* Community College of Rhode Island.

Address: 1762 Louisquisset Pk., Lincoln, RI 02865, Contact: Richard Tessler, Phone: (401) 333-7166.

(b) *Approved Courses:*
Abatement Worker (Certified 1/13/87).
Abatement Worker Annual Review (Certified 3/31/89).

Contractor/Supervisor Annual Review (Certified 3/31/89).

(v)(a) *Training Provider:* Con-Test Educational Center.

Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*
Abatement Worker (Certified 3/1/86).
Abatement Worker Annual Review (Certified 2/8/89).

Contractor/Supervisor (Certified 3/1/86).

Contractor/Supervisor Annual Review (Certified 2/8/89).

(vi)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 74 Commerce Way, Woburn, MA 01801, Contact: Joan Lion, Phone: (617) 932-9400.

(b) *Approved Courses:*
Abatement Worker (Certified 4/30/89).
Abatement Worker Annual Review (Certified 4/30/89).

Contractor/Supervisor (Certified 4/30/89).

Contractor/Supervisor Annual Review (Certified 4/30/89).

(vii)(a) *Training Provider:* Environmental Training Services.

Address: 115 New Boston St., Woburn, MA 01801, Contact: Ken Martin, Phone: (617) 933-6062.

(b) *Approved Courses:*
Abatement Worker (Certification Pending).

Abatement Worker Annual Review (Certification Pending).

Contractor/Supervisor (Certification Pending).

Contractor/Supervisor Annual Review (Certification Pending).

Initial Supervisor 6-Hour Supplement (Certification Pending).

(viii)(a) *Training Provider:* Georgia Institute of Technology /GTRI.

Address: 151 6th St., Atlanta, GA 30332, Contact: Mark Demyanek, Phone: (404) 894-3806.

(b) *Approved Courses:*
Abatement Worker (Certified 7/22/88).
Abatement Worker Annual Review (Certified 2/14/89).

Contractor/Supervisor (Certified 7/22/88).

Contractor/Supervisor Annual Review (Certified 2/14/89).

(ix)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: Louis DiBerardinis, Phone: (617) 732-1171.

(b) *Approved Courses:*
Abatement Worker (Certification Pending).
Contractor/Supervisor (Certification Pending).
(x)(a) *Training Provider:* Heat & Frost Insulation Union Local No. 6.

Address: 56 Roland St., Boston, MA 02129, Contact: Anthony Pistorino, Phone: (617) 625-8666.

(b) *Approved Courses:*
Abatement Worker (Certified 3/2/89).
Contractor/Supervisor (Certified 3/2/89).

(xi)(a) *Training Provider:* Hygeia, Inc.
Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Course:*
Abatement Worker (Certified 1/31/89).
(xii)(a) *Training Provider:* Hygientics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Russell Matthews, Phone: (617) 723-4664.

(b) *Approved Courses:*
Abatement Worker (Certified 5/10/89).
Abatement Worker Annual Review (Certified 5/10/89).

Contractor/Supervisor (Certified 5/10/89).

Contractor/Supervisor Annual Review (Certified 5/10/89).

(xiii)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*
Abatement Worker (Certified 9/9/87).
Abatement Worker Annual Review (Certified 5/8/89).

Contractor/Supervisor (Certified 9/9/87).

Contractor/Supervisor Annual Review (Certified 5/8/89).

(xiv)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1065 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Course:*
Contractor/Supervisor (Certified 1/31/89).

(xv)(a) *Training Provider*: NAACO.
Address: 790 Turnpike St., North
Andover, MA 01845, Contact: Martin
Levitt, Phone: (508) 681-8711.

(b) *Approved Courses*:

Abatement Worker (Certified 4/28/88).
Abatement Worker Annual Review
(Certified 4/3/89).

Contractor/Supervisor (Certified 4/28/
88).

Contractor/Supervisor Annual Review
(Certified 4/3/89).

Initial Supervisor 6-Hour Supplement
(Certified 4/3/89).

(xvi)(a) *Training Provider*: National
Asbestos Council, (NAC) Training Dept.

Address: 1777 Northeast Expressway,
Suite 150, Atlanta, GA 30329, Contact:
Tom Laubenthal, Phone: (404) 633-
2822.

(b) *Approved Course*:

Abatement Worker (Certified 9/5/86).

(xvii)(a) *Training Provider*: National
Training Fund/Workers Institute for
Safety & Health (WISH).

Address: 1126 16th St., NW,
Washington, DC 20036, Contact:
Mathew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses*:

Abatement Worker (Certified 1/31/89).

Abatement Worker Annual Review
(Certified 1/31/89).

Contractor/Supervisor (Certified 1/31/
89).

Contractor/Supervisor Annual Review
(Certified 1/31/89).

(xviii)(a) *Training Provider*: New
England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA
01748, Contact: James Merloni, Phone:
(508) 435-6316.

(b) *Approved Courses*:

Abatement Worker (Certified 7/1/86).

Abatement Worker Annual Review
(Certified 2/15/89).

Contractor/Supervisor (Certified 7/1/
86).

Contractor/Supervisor Annual Review
(Certified 2/15/89).

Initial Supervisor 6-Hour Supplement
(Certified 2/15/89).

(xix)(a) *Training Provider*: Quality
Control Services, Inc.

Address: 10 Lowell Junction Rd.,
Andover, MA 01810, Contact: Ajay
Pathak, Phone: (508) 475-0623.

(b) *Approved Courses*:

Abatement Worker (Certified 4/27/88).

Abatement Worker Annual Review
(Certified 3/10/89).

Contractor/Supervisor (Certified 4/27/
88).

Contractor/Supervisor Annual Review
(Certified 3/10/89).

(xx)(a) *Training Provider*: Robert F.
Weisberg & Marie Stoeckel.

Address: 180 Weeden St., Pawtucket, RI
02860, Contact: Robert Weisberg,
Phone: (401) 723-7978.

(b) *Approved Course*:

Initial Supervisor 6 Hour Supplement
(Certified 1/24/89).

(xxi)(a) *Training Provider*: Safe
Environment Corp.

Address: 100 Moody St., Suite 200,
Ludlow, MA 01056, Contact: Anne
Folta, Phone: (413) 289-1409.

(b) *Approved Courses*:

Abatement Worker Annual Review
(Certification Pending).

Contractor/Supervisor (Certified 1/31/
89).

Contractor/Supervisor Annual Review
(Certification Pending).

(xxii)(a) *Training Provider*: Workers
Institute for Safety & Health.

Address: 1126 16th St., NW,
Washington, DC 20036, Contact:
Matthew Gillen, Phone: (202) 887-1980.

(b) *Approved Course*:

Abatement Worker (Certified 2/2/88).

(13)(a) *State*: South Dakota.

State Agency: Dept. of Water & Natural
Resources Division of Air Quality &
Solid Waste, Address: Joe Foss
Building, 523 East Capitol St., Pierre,
SD 57501, Contact: Tammy LeBeau,
Phone: (605) 773-3153.

(b) *Approved Accreditation Program*
Disciplines:

Abatement Worker (full from 9/15/88).

Contractor/Supervisor (full from 9/15/
88).

Inspector/Management Planner (full
from 9/15/88).

Project Designer (full from 9/15/88).

South Dakota Department of Water and
Natural Resources, EPA-Approved
Courses for Abatement Workers,
Contractors/Supervisors, Inspectors/
Management Planners, and Project
Designers

(i)(a) *Training Provider*: Black Hills
Special Services Cooperative.

Address: Box 218, Sturgis, SD 57764,
Contact: Jim Doolittle, Phone: (605)
347-4467.

(b) *Approved Courses*:

Abatement Worker (Certified 3/22/89).

Contractor/Supervisor (Certified 3/22/
89).

Inspector/Management Planner
(Certified 3/22/89).

(ii)(a) *Training Provider*: Enviro-safe
Inc.

Address: P.O. Box 328, Wakonda, SD
57073, Contact: John Mathrol, Phone:
(605) 267-2539.

(b) *Approved Courses*:

Abatement Worker (Certified 2/28/89).

Contractor/Supervisor (Certified 2/28/
89).

Inspector/Management Planner
(Certified 2/28/89).

(iii)(a) *Training Provider*: Fargo -
Moorhead Carpenters Joint
Apprenticeship & Training Committee.
Address: 3002 1st Ave., N., Fargo, ND
58102, Contact: Raymond Such, Phone:
(701) 235-4981.

(b) *Approved Courses*:

Abatement Worker (Certified 4/20/89).

Contractor/Supervisor (Certified 4/20/
89).

(iv)(a) *Training Provider*: Iowa
Laborers Training Fund.

Address: 5806 Meredith Ave., Suite C,
Des Moines, IA 50322, Contact: Jack
Jones, Phone: (515) 270-6965.

(b) *Approved Course*:

Abatement Worker (Certified 3/22/88).

(v)(a) *Training Provider*: South
Dakota State University College of
Engineering.

Address: P.O. Box 2218, Brookings, SD
57007-0597, Contact: James Ceglian,
Phone: (605) 688-4107.

(b) *Approved Courses*:

Abatement Worker (Certified 5/18/88).

Contractor/Supervisor (Certified 5/18/
88).

Inspector/Management Planner
(Certified 5/18/88).

(14)(a) *State*: Utah.

State Agency: Utah Dept. of Health
Bureau of Air Quality, Address: 288
North 1460 West, P.O. Box 16690, Salt
Lake City, UT 84116-0690, Contact: F.
Burnell Cordner, Phone: (801) 538-
6108.

(b) *Approved Accreditation Program*
Disciplines:

Abatement Worker (full from 7/8/89).

Contractor/Supervisor (full from 7/8/
89).

Inspector/Management Planner (full
from 7/8/89).

Project Designer (full from 7/8/89).

Utah Bureau of Air Quality, EPA-
Approved Courses for Abatement
Workers, Contractors/Supervisors,
Inspectors/Management Planners, and
Project Designers

(i)(a) *Training Provider*: R.S.
Christiansen Asbestos Consultants, Inc.
Address: 4980 Holladay Blvd., Salt Lake
City, UT 84117, Contact: Stanley
Christiansen, Phone: (801) 277-2323.

(b) *Approved Course*:

Abatement Worker Annual Review
(Certified 7/28/89).

(15)(a) *State*: Virginia.

State Agency: Commonwealth of Virginia Dept. of Commerce, Address: 3600 West Broad St., Richmond, VA 23230-4917, Contact: Peggy J. Wood, Phone: (804) 367-8595.

(b) Approved Accreditation Program Disciplines:

Abatement Worker (full from 7/1/88).
Contractor/Supervisor (full from 7/1/88).

Inspector/Management Planner (full from 7/1/88).

Project Designer (full from 7/1/88).

Virginia Department of Commerce, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspectors/Management Planners, and Project Designers

(i)(a) *Training Provider:* Alice Hamilton Occupational Health Center. Address: 410 7th St., SE, 2nd Floor, Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*
Abatement Worker (Certified 3/2/88).
Contractor/Supervisor (Certified 3/2/88).

Inspector/Management Planner (Certified 3/2/88).

(ii)(a) *Training Provider:* Asbestos Analytical Association.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol Holden, Phone: (804) 397-8939.

(b) *Approved Courses:*
Abatement Worker (Certified 7/27/88).
Contractor/Supervisor (Certified 7/27/88).

Inspector/Management Planner (Certified 7/27/88).

(iii)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creel Ct., Beltsville, MD 20705, Contact: Jean Fisher, Phone: (301) 369-3900.

(b) *Approved Courses:*
Abatement Worker (Certified 9/13/88).
Contractor/Supervisor (Certified 9/13/88).

Inspector/Management Planner (Certified 9/13/88).

(iv)(a) *Training Provider:* Briggs Assoc. Inc.

Address: 8325 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Roos Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*
Abatement Worker (Certification Pending).

(v)(a) *Training Provider:* Critical Environmental.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Dr. Ronald F. Dodson, Phone: (713) 921-8921.

(b) Approved Courses:

Abatement Worker (Certification Pending).

Contractor/Supervisor (Certification Pending).

Inspector/Management Planner (Certification Pending).

(vi)(a) *Training Provider:* E.I. DuPont DeNemours & Co., Inc.

Address: Spruance Plant, P.O. Box 27001, Richmond, VA 23261, Contact: Clarence Mihal, Phone: (804) 743-2948.

(b) *Approved Courses:*
Abatement Worker (Certified 5/11/88).
Contractor/Supervisor (Certified 5/11/88).

(vii)(a) *Training Provider:* Environmental Specialties, Inc.

Address: P.O. Box 130, Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-1541.

(b) *Approved Courses:*
Abatement Worker (Certified 5/1/89).
Contractor/Supervisor (Certified 5/1/89).

(viii)(a) *Training Provider:* Fluor Daniel.

Address: The Daniel Bldg., 301 North Main St., Greenville, SC 29601, Contact: Rick Florence, Phone: (803) 298-2166.

(b) *Approved Courses:*
Abatement Worker (Certified 6/24/88).
Contractor/Supervisor (Certified 6/24/88).

(ix)(a) *Training Provider:* GST Company.

Address: 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*
Abatement Worker (Certified 6/1/89).
Contractor/Supervisor (Certified 6/1/89).

(x)(a) *Training Provider:* Georgia Tech Research Group.

Address: Georgia Tech Institute of Technology, Atlanta, GA 30332, Contact: Vicki H. Ainslie, Phone: (404) 895-3806.

(b) *Approved Course:*
Contractor/Supervisor (Certified 5/1/89).

(xi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., P.O. Box 307, Lawrence, KS 66046, Contact: Steve Davis, Phone: (804) 270-7235.

(b) *Approved Courses:*
Abatement Worker (Certified 5/23/88).
Contractor/Supervisor (Certified 5/23/88).

Inspector (Certified 5/23/88).

(xii)(a) *Training Provider:* Hazard Abatement Consultants.

Address: 5 Breechwood Rd., Hampton, VA 23666, Contact: Thomas Priesman, Phone: (804) 825-0302.

(b) *Approved Course:*
Abatement Worker (Certified 6/1/89).
(xiii)(a) *Training Provider:* Ind-Tra-Co., Ltd.

Address: 18 South 22nd St., Richmond, VA 23223, Contact: Fred Breive, Phone: (804) 648-7836.

(b) *Approved Courses:*
Abatement Worker (Certified 3/7/88).
Contractor/Supervisor (Certified 3/7/88).

Inspector/Management Planner (Certified 3/7/88).

(xiv)(a) *Training Provider:* Industrial Training & Support Services.

Address: P.O. Box 496, Lightfoot, VA 23090, Contact: Virginia Graham, Phone: (804) 565-3308.

(b) *Approved Course:*
Abatement Worker (Certified 10/22/88).
(xv)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.

(b) *Approved Courses:*
Abatement Worker (Certification Pending).

Contractor/Supervisor (Certification Pending).

Inspector (Certification Pending).

(xvi)(a) *Training Provider:* Jenkins Professionals Inc.

Address: 5502 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Course:*
Contractor/Supervisor (Certification Pending).

(xvii)(a) *Training Provider:* Laborers District Council of Virginia Training Trust Fund.

Address: 4191 Rochambeau Dr., Williamsburg, VA 23185, Contact: Roy Brightwell, Phone: (804) 564-8148.

(b) *Approved Course:*
Abatement Worker (Certified 8/8/88).
(xviii)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Marshall Marcus, Phone: (804) 733-1855.

(b) *Approved Courses:*
Abatement Worker (Certified 2/13/89).
Contractor/Supervisor (Certified 2/13/89).

(xix)(a) *Training Provider:* Maryland Center for Environmental Training-Charles County Community College. Address: Mitchell Rd., P.O. Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*
Abatement Worker (Certified 5/19/89).
Contractor/Supervisor (Certified 5/19/89).

(xx)(a) *Training Provider:* Medical College of Virginia Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*
Abatement Worker (Certified 2/8/87).
Contractor/Supervisor (Certified 2/8/87).
Inspector/Management Planner (Certified 2/8/87).

(xxi)(a) *Training Provider:* Metropolitan Laboratories.

Address: P.O. Box 8921, Norfolk, VA 23503, Contact: Ethel Holmes, Phone: (804) 583-9444.

(b) *Approved Courses:*
Abatement Worker (Certified 8/4/88).
Contractor/Supervisor (Certified 8/4/88).

(xxii)(a) *Training Provider:* Norfolk Shipbuilding & Dry Dock Co.

Address: P.O. Box 2100, Norfolk, VA 23501, Contact: Thomas Beacham, Phone: (804) 494-2940.

(b) *Approved Course:*
Abatement Worker (Certified 6/15/88).

(xxiii)(a) *Training Provider:* Old Dominion University.

Address: Office of Health Sciences, Norfolk, VA 23529, Contact: Shirley Glover, Phone: (804) 440-4256.

(b) *Approved Courses:*
Abatement Worker (Certified 6/8/88).
Contractor/Supervisor (Certified 6/8/88).

Inspector/Management Planner (Certified 6/8/88).

(xxiv)(a) *Training Provider:* Quality Specialties, Inc.

Address: 109 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 748-9806.

(b) *Approved Course:*
Abatement Worker (Certified 5/3/88).

(xxv)(a) *Training Provider:* Roy F. Weston, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Dave Whittington, Phone: (205) 828-6100.

(b) *Approved Course:*
Inspector/Management Planner (Certified 6/1/89).

(xxvi)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23334, Contact: George Torrence, Phone: (804) 468-0027.

(b) *Approved Course:*
Abatement Worker (Certified 6/10/88).

(xxvii)(a) *Training Provider:* The Francis L. Greenfield Institute.

Address: Route 6344, P.O. Box 217, Sterling, VA 22170, Contact: Bengamin Bostic, Phone: (703) 450-5950.

(b) *Approved Course:*
Abatement Worker (Certified 10/10/88).

(xxviii)(a) *Training Provider:* Tidewater Community College.

Address: VA Beach Campus, 1700 College Crescent, Virginia Beach, VA 23456, Contact: Sam Lamb, Phone: (804) 427-7198.

(b) *Approved Course:*
Abatement Worker (Certified 3/21/89).

(xxix)(a) *Training Provider:* University of Virginia National Asbestos Council Division of Continuing Education.

Address: 106 Midmont Lake, Charlottesville, VA 22903, Contact: Gregory Pels, Phone: (804) 924-7114.

(b) *Approved Course:*
Abatement Worker (Certified 3/7/88).

(xxx)(a) *Training Provider:* Waco, Inc. Address: Highway 925, N, Waldorf, MD 20601, Contact: Wayne Cooper, Phone: (301) 843-2488.

(b) *Approved Courses:*
Abatement Worker (Certified 10/31/88).
Contractor/Supervisor (Certified 10/31/88).

(xxxi)(a) *Training Provider:* White Lung Association. Address: 1114 Cathedral St., Baltimore, MD 21201, Contact: James Fite, Phone: (301) 289-3529.

(b) *Approved Course:*
Inspector/Management Planner (Certified 7/11/88).

EPA-Approved Training Courses REGION I -- Boston, MA

Regional Asbestos Coordinator: Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region I training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Con-Test, Inc.

Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/2/87).
Abatement Worker Refresher Course (full from 11/22/88).
Contractor/Supervisor (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (full from 12/21/88).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (full from 2/1/89).

(2)(a) *Training Provider:* Ecosystems, Inc.

Address: 266 Mian St., Suite 19, Medfield, MA 02052, Contact: Richard Doyle, Phone: (617) 239-8181.

(b) *Approved Course:*
Contractor/Supervisor (contingent from 10/5/87).

(3)(a) *Training Provider:* Enviromed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 786-5580.

(b) *Approved Courses:*
Abatement Worker (contingent from 7/8/88).
Abatement Worker Refresher Course (contingent from 6/19/89).
Contractor/Supervisor (contingent from 2/23/89).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Inspector/Management Planner (contingent from 1/30/89).

(4)(a) *Training Provider:* Environmental Training Services.

Address: 12 Walnut Hill Park, P.O. Box 806, Woburn, MA 01801, Contact: Kenneth P. Martin, Phone: (617) 398-0348.

(b) *Approved Course:*
Abatement Worker (contingent from 4/22/88).

(5)(a) *Training Provider:* Hygientics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: John W. Cowdery, Phone: (617) 723-4664.

(b) *Approved Course:*
Inspector (contingent from 10/2/87).

(6)(a) *Training Provider:* Industrial Health & Safety Consultants, Inc.

Address: 915 Bridgeport Ave., Shelton, CT 06484, Contact: Angela D. Rath, Phone: (203) 929-1131.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/15/89).

Abatement Worker Refresher Course (contingent from 6/19/89).

Contractor/Supervisor (contingent from 5/12/89).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

(7)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Park, Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/88).

Abatement Worker Refresher Course (full from 11/3/88).

Contractor/Supervisor (full from 9/18/87).

Contractor/Supervisor Refresher Course (full from 11/3/88).

Inspector/Management Planner (contingent from 10/2/87).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Project Designer (contingent from 2/28/89).

(8)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 33.

Address: 15 South Elm St., Wallingford, CT 06492, Contact: Joseph V. Soli, Phone: (203) 235-3547.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 7/27/88).

(9)(a) *Training Provider:* Maine Labor Group on Health, Inc.

Address: P.O. Box V, Augusta, ME 04330, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/87).

Abatement Worker Refresher Course (contingent from 10/17/88).

Contractor/Supervisor (contingent from 5/18/87).

Contractor/Supervisor Refresher Course (full from 3/26/88).

(10)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: Route 97 & Murdock Rd., P.O. Box 77, Pomfret Center, CT 06259, Contact: Gennaro Lepore, Phone: (203) 974-1455.

(b) *Approved Course:*

Abatement Worker (contingent from 5/25/89).

(11)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, Contact: Jim Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker Refresher Course (contingent from 5/20/88).

(12)(a) *Training Provider:* Radiation Safety Associates, Inc.

Address: P.O. Box 107, 10 Pendleton Dr., Hebron, CT 06248, Contact: Joseph T. Althouse, Phone: (203) 228-0487.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/16/89).

Inspector/Management Planner (contingent from 5/16/89).

(13)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 9/1/85 to 5/31/87).

Contractor/Supervisor (full from 6/1/87).

Inspector/Management Planner (full from 11/16/87).

EPA-Approved Training Courses

REGION II -- Edison, NJ

Regional Asbestos Coordinator:

Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region II training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AAC Contracting, Inc.

Address: 243 Paul Rd., Rochester, NY 14624, Contact: Kevin T. Cannan, Phone: (716) 328-7010.

(b) *Approved Course:*

Abatement Worker (contingent from 5/8/89).

(2)(a) *Training Provider:* ATC Environmental, Inc.

Address: 104 East 25th St., New York, NY 10010, Contact: David V. Chambers, Phone: (212) 353-8280.

(b) *Approved Courses:*

Abatement Worker (full from 11/7/88). Contractor/Supervisor (full from 11/7/88).

Inspector/Management Planner (contingent from 6/5/88).

Inspector/Management Planner (full from 3/6/89).

(3)(a) *Training Provider:* Abatement Safety Training Institute.

Address: 323 West 39th St., New York, NY 10018, Contact: Jay Sall, Phone: (212) 629-8400.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/88).

Contractor/Supervisor (contingent from 10/25/88).

Inspector/Management Planner (contingent from 3/9/88).

Inspector/Management Planner (full from 3/21/88).

Inspector/Management Planner Refresher Course (contingent from 1/11/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(4)(a) *Training Provider:* Adelaide Environmental Health Associates.

Address: 61 Front St., Binghamton, NY 13905-4705, Contact: William S. Carter, Phone: (607) 722-6839.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(5)(a) *Training Provider:* Albany Environmental Technologies (A.E. Technologies).

Address: P.O. Box 1346, Schenectady, NY 12301, Contact: Kevin Pilgrim, Phone: (518) 374-4801.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/8/89).

Contractor/Supervisor (contingent from 6/8/89).

(6)(a) *Training Provider:* Albany-Schaharie-Schenectady BOCES.

Address: 47 Cornell Rd., Latham, NY 12110, Contact: Charlene Vespi, Phone: (518) 786-3211.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/20/89).

Contractor/Supervisor (contingent from 7/20/89).

(7)(a) *Training Provider:* Allwash of Syracuse, Inc.

Address: P.O. Box 605, Syracuse, NY 13201, Contact: Ronald D. Roy, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/16/87).

Abatement Worker (full from 12/7/88).
Abatement Worker Refresher Course
(contingent from 12/15/88).
Contractor/Supervisor (contingent from
1/30/89).

(8)(a) *Training Provider:* Alternative
Ways, Inc. Educational Services.

Address: Barclay Pavilion E, Suite 222,
Route 70, Cherry Hill, NJ 08034,
Contact: Linda A. Pardi, Phone: (609)
795-1991.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/
11/88).

Contractor/Supervisor (contingent from
4/11/88).

Inspector/Management Planner
(contingent from 4/22/88).

Inspector/Management Planner (full
from 5/26/88).

Inspector/Management Planner
Refresher Course (contingent from 1/
18/89).

(9)(a) *Training Provider:* Anderson
International.

Address: RD 2, North Main Street
Extension, Jamestown, NY 14701,
Contact: Sally L. Gould, Phone: (716)
664-4028.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/
29/88).

Contractor/Supervisor (contingent from
12/29/88).

(10)(a) *Training Provider:* Applied
Respiratory Technology.

Address: P.O. Box 1132, Peekskill, NY
10566, Contact: Paul M. Madigan,
Phone: (914) 431-6421.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/
11/88).

Abatement Worker (full from 11/28/88).

Abatement Worker Refresher Course
(contingent from 10/19/88).

Contractor/Supervisor (contingent from
8/11/88).

Contractor/Supervisor (full from 11/28/
88).

Contractor/Supervisor Refresher Course
(contingent from 10/31/88).

(11)(a) *Training Provider:* Asbestos
Control Management, Inc.

Address: 126 South Third St., Olean, NY
14760, Contact: Clar D. Anderson,
Phone: (716) 372-6393.

(b) *Approved Course:*

Abatement Worker (contingent from 5/
5/89).

(12)(a) *Training Provider:* Asbestos
Training Academy, Inc.

Address: 218 Cooper Center,
Pennsauken, NJ 08109, Contact:
Maryann Brady, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/
15/88).

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (contingent from
9/15/88).

Contractor/Supervisor (full from 11/7/
88).

Inspector (contingent from 4/27/89).

(13)(a) *Training Provider:* Asteco, Inc.

Address: P.O. Box 2204, Niagara
University, Niagara, NY 14109,
Contact: John Larson, Phone: (716)
297-5992.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
1/88).

Abatement Worker (full from 4/13/88).

Abatement Worker Refresher Course
(contingent from 12/20/88).

(14)(a) *Training Provider:* Astoria
Industries, Inc.

Address: 538 Stewart Ave., Brooklyn,
NY 11222, Contact: John Gajeski,
Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
8/88).

Abatement Worker (full from 4/18/88).

Inspector (contingent from 1/18/89).

(15)(a) *Training Provider:* BOCES-
Schuyler, Chemung, Tioga Counties.

Address: 431 Philo Road, Elmira, NY
14903, Contact: L. Eugene Ferro,
Phone: (607) 739-3581.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/
1/89).

Abatement Worker Refresher Course
(contingent from 6/1/89).

Contractor/Supervisor (contingent from
6/1/89).

Contractor/Supervisor Refresher Course
(contingent from 6/1/89).

Inspector/Management Planner
Refresher Course (contingent from 6/
1/89).

(16)(a) *Training Provider:* Board of
Cooperative Education Services of
Rensselaer & Green Counties New York.

Address: 1550 Schuurman Road,
Castleton, NY 12033, Contact: Paul
Bowler, Phone: (518) 732-7266.

(b) *Approved Course:*

Inspector/Management Planner
(contingent from 4/10/89).

(17)(a) *Training Provider:* Board of
Cooperative Educational Services
(BOCES) No. 3.

Address: 507 Deer Park Rd., Dix Hills,
NY 11746, Contact: Ciro Aiello, Phone:
(516) 667-6000 ext. 300.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/
6/89).

Contractor/Supervisor (contingent from
2/6/89).

(18)(a) *Training Provider:* Board of
Cooperative Educational Services-
Suffolk County Boces 2, Adult Occup. &
Continuing ED.

Address: 375 Locust Ave., Oakdale, NY
11769, Contact: Edward J. Milliken,
Phone: (516) 563-2954.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
27/89).

Abatement Worker Refresher Course
(contingent from 6/16/89).

Contractor/Supervisor (contingent from
3/27/89).

Contractor/Supervisor Refresher Course
(contingent from 6/16/89).

(19)(a) *Training Provider:* Board of
Cooperative Education Services Facilities
and Asbestos Planning.

Address: Brookview Rd., P.O. Box 26,
Brookview, NY 12026, Contact: Paul D.
Bowler, Phone: (518) 732-7266.

(b) *Approved Course:*

Inspector/Management Planner
(contingent from 4/10/89).

(20)(a) *Training Provider:* Branch
Services, Inc.

Address: 1255 Lakeland Ave., Bohemia,
NY 11716, Contact: Luis Sanders,
Phone: (516) 563-7300.

(b) *Approved Course:*

Abatement Worker (contingent from 6/
1/89).

(21)(a) *Training Provider:* Buffalo
Laborers Training Fund.

Address: 481 Franklin St., Buffalo, NY
14202, Contact: Victor J. Sansanese,
Phone: (716) 884-7157.

(b) *Approved Course:*

Abatement Worker (contingent from 6/
30/88).

(22)(a) *Training Provider:* Building
Laborers Local Union No. 17.

Address: P.O. Box 252, Vails Gate, NY
12584, Contact: Victor P. Mandia,
Phone: (914) 562-1121.

(b) *Approved Course:*

Abatement Worker (contingent from 10/
31/88).

(23)(a) *Training Provider:*
Calibrations, Inc.

Address: 802 Watervliet - Shaker Rd.,
Latham, NY 12110, Contact: James
Percent, Phone: (518) 318-1893.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/
28/88).

Abatement Worker (full from 12/5/88).

Abatement Worker Refresher Course
(contingent from 3/6/89).

Contractor/Supervisor (contingent from
9/28/88).

Contractor/Supervisor (full from 12/5/88).

Contractor/Supervisor Refresher Course (contingent from 3/6/89).

Inspector/Management Planner (contingent from 9/28/88).

Inspector/Management Planner Refresher Course (contingent from 3/6/89).

Project Designer (full from 5/23/88).

Project Designer Refresher Course (contingent from 3/6/89).

(24)(a) *Training Provider:* Cayuga-Onondaga BOCES.

Address: 234 South Street Rd., Auburn, NY 13021, Contact: Peter Pirnie, Phone: (315) 253-0361.

(b) *Approved Course:*

Abatement Worker (contingent from 6/17/88).

(25)(a) *Training Provider:* Comprehensive Analytical Group.

Address: 147 Midler Park Dr., Syracuse, NY 13206, Contact: Susan S. Graniero, Phone: (315) 432-0855.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker Refresher Course (contingent from 4/25/89).

Contractor/Supervisor (contingent from 3/29/89).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

(26)(a) *Training Provider:* Ecology & Environment, Inc.

Address: Buffalo Corporate Center, 368 Pleasantview Dr., Lancaster, NY 14086, Contact: Thomas G. Siener, Phone: (716) 684-8060.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/7/89).

(27)(a) *Training Provider:* Education & Training Fund Laborers' Local No. 91.

Address: 2556 Seneca Ave., Niagra Falls, NY 14305, Contact: Joel Cicero, Phone: (716) 297-6001.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).

Abatement Worker Refresher Course (contingent from 10/20/88).

Abatement Worker Refresher Course (full from 10/22/88).

(28)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1331 North Forest Rd., Suite 340, Buffalo, NY 14221, Contact: Edward O. Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker Refresher Course (contingent from 3/3/89).

Contractor/Supervisor (contingent from 7/12/89).

Contractor/Supervisor Refresher Course (contingent from 3/3/89).

(29)(a) *Training Provider:* Environmental Training, Inc.

Address: 661 Fulton St., Brooklyn, NY 11217, Contact: Nelson Helu, Phone: (718) 625-4300.

(b) *Approved Course:*

Abatement Worker (contingent from 4/25/88).

(30)(a) *Training Provider:* Hazardous Waste Management Corp. Training Center of Buffalo, New York.

Address: 3816 Union Rd., Buffalo, NY 14225-5301, Contact: Donald Larder, Phone: (716) 634-3000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).

Contractor/Supervisor (contingent from 10/31/88).

(31)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 609 Manhattan Ave., Brooklyn, NY 11222, Contact: Henry Kawiorski, Phone: (718) 383-2656.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).

Abatement Worker (full from 3/13/89).

Contractor/Supervisor (contingent from 1/30/89).

(32)(a) *Training Provider:* Hunter College Asbestos Training Center/United Brotherhood of Carpenters & Joiners of America.

Address: 425 East 25th St., New York, NY 10010, Contact: Jack Caravanos, Phone: (212) 481-7569.

(b) *Approved Courses:*

Abatement Worker (full from 7/1/88).

Abatement Worker Refresher Course (contingent from 6/20/89).

Contractor/Supervisor (full from 7/1/88).

Contractor/Supervisor Refresher Course (contingent from 6/20/89).

(33)(a) *Training Provider:* Hygeia Research & Training.

Address: P.O. Box 4506, Utica, NY 13501, Contact: Richard A. Gigliotti, Phone: (315) 732-8567.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/88).

Abatement Worker (full from 5/6/88).

Abatement Worker Refresher Course (contingent from 12/12/88).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor Refresher Course (contingent from 12/20/88).

(34)(a) *Training Provider:* Institute of Asbestos Awareness.

Address: 2 Heitz Pl., Hicksville, NY 11801, Contact: Henry R. Clegg, Phone: (516) 937-1600.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88).

Abatement Worker Refresher Course (contingent from 3/8/89).

Contractor/Supervisor (full from 10/24/88).

Contractor/Supervisor Refresher Course (contingent from 3/8/89).

Inspector/Management Planner (contingent from 9/28/88).

Inspector/Management Planner (full from 3/2/89).

Inspector/Management Planner Refresher Course (contingent from 3/8/89).

(35)(a) *Training Provider:* Institute of Asbestos Technology Corp.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Doreen E. Bianchi, Phone: (315) 437-1307.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).

Abatement Worker (full from 6/27/88).

Abatement Worker Refresher Course (contingent from 12/20/88).

Contractor/Supervisor (contingent from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

(36)(a) *Training Provider:* Kaselaan & D'Angelo Associates, Inc.

Address: 220 Fifth Ave., New York, NY 10001, Contact: Lance Fredericks, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/15/89).

Contractor/Supervisor (contingent from 3/27/89).

Inspector/Management Planner (contingent from 2/12/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (full from 4/27/89).

(37)(a) *Training Provider:* Korean Asbestos Training Center.

Address: 46-12 Queens Blvd, Long Island City, NY 11104, Contact: Tchang S. Bahrk, Phone: (718) 361-6464.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/11/89).

Abatement Worker Refresher Course (contingent from 5/22/89).

Contractor/Supervisor (contingent from 5/11/89).

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(38)(a) *Training Provider:* Laborers Local Union No. 214 of Oswego New

York & Vicinity Training & Education Fund.

Address: 23 Mitchell St., Oswego, NY 13126, Contact: John T. Shannon, Phone: (315) 343-8553.

(b) Approved Courses:

Abatement Worker (contingent from 9/1/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 2/15/89).

(39)(a) Training Provider: Lozier Architects/Engineers.

Address: 600 Perinton Hills, Fairport, NY 14450, Contact: Dyke Conyne, Phone: (716) 223-7610.

(b) Approved Courses:

Abatement Worker (contingent from 7/3/89).

Abatement Worker Refresher Course (contingent from 7/27/89).

(40)(a) Training Provider: McDonnell-Gamble Environmental Services, Inc.

Address: 444 Park Ave. S, 5th Fl., Suite 503, New York, NY 10016, Contact: Yelena Goodman, Phone: (212) 545-1122.

(b) Approved Courses:

Abatement Worker (contingent from 8/15/88).

Abatement Worker (full from 12/5/88).

Contractor/Supervisor (contingent from 10/18/88).

Contractor/Supervisor (full from 12/5/88).

(41)(a) Training Provider: Mid-Atlantic Asbestos Training Center UMDNJ Robert Wood Johnson Medical School.

Address: 675 Hoes Ln., Piscataway, NJ 08854-5635, Contact: Lee Laustsen, Phone: (201) 463-4500.

(b) Approved Courses:

Abatement Worker (full from 7/28/86).

Contractor/Supervisor (full from 7/28/86).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (full from 11/18/88).

(42)(a) Training Provider: Monroe Community College of Rochester, New York.

Address: P.O. Box 9720, Rochester, NY 14623-0720, Contact: Dusty Swanger, Phone: (716) 272-9839.

(b) Approved Courses:

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 4/26/89).

(43)(a) Training Provider: National Asbestos Training Institute (NATI).

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris L. Adler, Phone: (201) 918-0610.

(b) Approved Courses:

Inspector/Management Planner

(contingent from 6/13/88).

Inspector/Management Planner (full from 4/17/89).

Inspector/Management Planner Refresher Course (contingent from 5/25/89).

(44)(a) Training Provider: National Institution on Abatement Science & Technology (NIAST).

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607-1780, Contact: Glenn W. Phillips, Phone: (800) 422-2836.

(b) Approved Course:

Inspector/Management Planner (contingent from 3/8/88).

(45)(a) Training Provider: New York University School of Continuing Education in Association with Warren & Panzer Engineers, P.C.

Address: 9 East 38th St., 9th Fl., New York, NY 10016, Contact: Charles Schwartz, Phone: (212) 545-0077.

(b) Approved Courses:

Abatement Worker (contingent from 5/18/89).

Abatement Worker Refresher Course (contingent from 6/8/89).

Contractor/Supervisor (contingent from 5/18/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

Inspector/Management Planner (contingent from 5/18/89).

Inspector/Management Planner Refresher Course (contingent from 6/8/89).

Project Designer (contingent from 5/18/89).

Project Designer Refresher Course (contingent from 6/8/89).

(46)(a) Training Provider: Niagara County Community College.

Address: 160 Washburn St., Lockport, NY 14094, Contact: Eugene Zinni, Phone: (716) 731-3271.

(b) Approved Courses:

Abatement Worker (contingent from 1/5/88).

Abatement Worker (full from 1/25/88).

Abatement Worker Refresher Course (contingent from 1/23/89).

Contractor/Supervisor (contingent from 1/5/88).

Contractor/Supervisor (full from 2/19/88).

Contractor/Supervisor Refresher Course (contingent from 2/8/89).

Inspector/Management Planner (contingent from 5/18/88).

Inspector/Management Planner (full from 12/5/88).

Inspector/Management Planner Refresher Course (contingent from 3/6/89).

(47)(a) Training Provider: O'Brien & Gere Engineers, Inc.

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin C. Tift, Jr., Phone: (315) 451-4700.

(b) Approved Courses:

Abatement Worker (contingent from 1/19/89).

Abatement Worker (full from 4/10/89).

Contractor/Supervisor (contingent from 1/19/89).

Contractor/Supervisor (full from 4/10/89).

Inspector/Management Planner (full from 10/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(48)(a) Training Provider: Orange/Ulster BOCES Risk Management Dept.

Address: RD 2 Gibson Rd., Goshen, NY 10924, Contact: Arthur J. Lange, Phone: (914) 294-5431.

(b) Approved Courses:

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

(49)(a) Training Provider: P.A. Environmental Corp.

Address: 4240-24F Hutchinson River Pkwy. E, Bronx, NY 10475, Contact: Pichai Arjarasapun, Phone: (212) 379-6716.

(b) Approved Courses:

Abatement Worker (contingent from 5/31/89).

Abatement Worker Refresher Course (contingent from 5/31/89).

Contractor/Supervisor (contingent from 5/31/89).

Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(50)(a) Training Provider: Paradigm Environmental Services, Inc.

Address: 961 Lydell Ave., Building 2, Suite 8, Rochester, NY 14606, Contact: Marcia R. Cummings, Phone: (716) 647-2530.

(b) Approved Course:

Abatement Worker (contingent from 7/19/89).

(51)(a) Training Provider: Princeton Testing Laboratory, Inc.

Address: 3490 US Route 1, Princeton Service Center, Princeton, NJ 08543, Contact: Anne Coogan, Phone: (609) 452-9050.

(b) Approved Course:

Inspector/Management Planner (contingent from 3/21/88).

(52)(a) Training Provider: R. J. Fletcher, Inc.

Address: P.O. Box 5021, Utica, NY 13505,
Contact: Robert J. Fletcher, Phone:
(315) 724-0141.

(b) *Approved Courses:*

Abatement Worker Refresher Course
(contingent from 2/24/89).
Inspector/Management Planner
Refresher Course (contingent from 2/
24/89).

(53)(a) *Training Provider:* SUNY
College of Technology at Farmingdale.
Address: Biology Department, Nathan
Hale Hall, Farmingdale, NY 11735,
Contact: Charles Erlanger, Phone:
(516) 420-2000.

(b) *Approved Courses:*

Inspector/Management Planner
(contingent from 4/24/89).
Inspector/Management Planner
Refresher Course (contingent from 4/
24/89).

(54)(a) *Training Provider:* Safe Air
Environmental Group, Inc.

Address: P.O. Box 457, Depew, NY
14043, Contact: Reza Farrokh, Phone:
(800) 634-7234.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
8/88).
Abatement Worker (full from 4/4/88).
Abatement Worker Refresher Course
(contingent from 3/2/89).
Contractor/Supervisor (contingent from
3/8/88).
Contractor/Supervisor (full from 4/4/
88).

Contractor/Supervisor Refresher Course
(contingent from 3/2/89).

(55)(a) *Training Provider:* Schuyler-
Chemung-Tioga Board of Cooperative
Educational Services.

Address: 431 Philo Rd., Elmira, NY
14903, Contact: L. Eugene Ferro,
Phone: (607) 739-3581.

(b) *Approved Course:*

Inspector/Management Planner
Refresher Course (contingent from 1/
11/89).

(56)(a) *Training Provider:* State
University of New York at Buffalo.

Address: 127 Farber Hall, University of
New York, Buffalo, NY 14214, Contact:
Paul J. Kostyniak, Phone: (716) 831-
2125.

(b) *Approved Courses:*

Abatement Worker Refresher Course
(contingent from 2/2/89).
Contractor/Supervisor Refresher Course
(contingent from 2/2/89).
Inspector/Management Planner
(contingent from 1/25/89).
Inspector/Management Planner
Refresher Course (contingent from 2/
2/89).

(57)(a) *Training Provider:* State of
New Jersey Dept. of Health.

Address: CN 360, Trenton, NJ 08625,
Contact: James A. Brownlee, Phone:
(609) 984-2193.

(b) *Approved Course:*

Inspector/Management Planner
Refresher Course (contingent from 3/
28/89).

(58)(a) *Training Provider:* Testwell
Craig Laboratories of Albany, Inc.
Address: 518 Clinton Ave., Albany, NY
12206, Contact: George W. Stowell,
Phone: (518) 436-4114.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/
21/88).
Abatement Worker (full from 1/24/89).
Contractor/Supervisor (contingent from
6/20/89).

(59)(a) *Training Provider:* Tri-Cities
Laborers Training Program.

Address: 5 Lombard St., Schenectady,
NY 12304, Contact: Joseph A.
Zappone, Phone: (518) 370-3463.

(b) *Approved Courses:*

Abatement Worker (full from 3/21/88).
Abatement Worker Refresher Course
(contingent from 10/26/88).
Abatement Worker Refresher Course
(full from 2/2/89).

(60)(a) *Training Provider:* Union
Occupational Health Center.

Address: 450 Grider St., Buffalo, NY
14215, Contact: Garath L. Tubbs,
Phone: (716) 894-9366.

(b) *Approved Course:*

Abatement Worker (contingent from 10/
31/88).

(61)(a) *Training Provider:* Utilicom
Corp.

Address: 7 Tobey Village Office Park,
Pittsford, NY 14534, Contact: Dennis J.
Money, Phone: (716) 381-8710.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/
20/88).
Abatement Worker (full from 10/31/88).
Abatement Worker Refresher Course
(contingent from 4/21/89).

(62)(a) *Training Provider:* Warren
Mae Associates.

Address: RD 3, Box 390, Endicott, NY
13760, Contact: Janine C. Rogelstad,
Phone: (607) 754-8386.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/
11/88).
Abatement Worker (full from 1/4/89).
Abatement Worker Refresher Course
(contingent from 3/2/89).

(63)(a) *Training Provider:* Western
New York Council on Occupational
Safety & Health (WNYCOSH).

Address: 450 Grider St., Buffalo, NY
14215, Contact: Jeanne Reilly, Phone:
(716) 897-2110.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/
28/87).

Abatement Worker (full from 1/24/88).

(64)(a) *Training Provider:* White Lung
Association.

Address: 901 Broad St., Newark, NJ
07102, Contact: Mylers O' Malley,
Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/
19/89).

Contractor/Supervisor (contingent from
6/19/89).

(65)(a) *Training Provider:* White Lung
Association - NY.

Address: 12 Warren St., 4th Fl., New
York, NY 10007, Contact: Daniel
Manasia, Phone: (212) 619-2270.

(b) *Approved Course:*

Inspector (contingent from 2/23/89).

EPA-Approved Training Courses

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator:
Carole Dougherty, EPA, Region III
(3HW-42), 841 Chestnut Bldg.,
Philadelphia, PA 19107. (215) 597-3160,
(FTS) 597-3160.

List of Approved Courses: The
following training courses have been
approved by EPA. The courses are listed
under (b). This approval is subject to the
level of certification indicated after the
course name. Training Providers are
listed in alphabetical order and do not
reflect a prioritization. Approvals for
Region III training courses and contact
points for each, are as follows:

(1)(a) *Training Provider:* A & S
Training School, Inc.

Address: 99 South Cameron St.,
Harrisburg, PA 17101, Contact: Anna
Marie Sossong, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (full from 5/20/85).
Contractor/Supervisor (full from 5/20/
85).

(2)(a) *Training Provider:* Aerosol
Monitoring & Analysis, Inc.

Address: 1341 Ashton Rd., Suite A,
Hanover, MD 21076, Contact: D.R.
Twilley, Phone: (301) 684-3327.

(b) *Approved Courses:*

Abatement Worker (full from 11/27/87).
Abatement Worker Refresher Course
(contingent from 4/20/89).
Contractor/Supervisor (full from 11/27/
87).

Contractor/Supervisor Refresher Course
(contingent from 4/20/89).

Inspector/Management Planner
(contingent from 3/1/88).

Inspector/Management Planner (full from 3/31/88).

(3)(a) *Training Provider:* Alcam, Inc.
Address: 113 Poplar St., Box 213,
Ambler, PA 19002, Contact: Albert
Camburn, Phone: (215) 367-2791.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).

Contractor/Supervisor (contingent from 1/26/89).

(4)(a) *Training Provider:* Alice Hamilton Center for Occupational Health Center.

Address: 410 7th St., SE, 2nd Fl., Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/12/87).

Abatement Worker (full from 1/16/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (full from 1/16/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 3/9/88).

Inspector/Management Planner (full from 6/20/88).

Inspector/Management Planner Refresher Course (contingent from 3/2/89).

(5)(a) *Training Provider:* American Asbestos Training Institute, Inc.

Address: 2133 Arch St., Philadelphia, PA 19103, Contact: Allen Johnson, Phone: (215) 988-9710.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/16/89).

Contractor/Supervisor (contingent from 5/16/89).

(6)(a) *Training Provider:* American Monitoring & Engineering Services, Inc.

Address: 200 High Tower Boulevard, Suite 205, Pittsburgh, PA 15205, Contact: David J. Drummond, Phone: (412) 788-8300.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 7/21/89).

(7)(a) *Training Provider:* Apex Environmental, Inc.

Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Dorothy Washlick, Phone: (301) 217-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/89).

Contractor/Supervisor (contingent from 7/27/89).

(8)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Gene Fisher, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (full from 6/17/87).

Contractor/Supervisor (full from 6/17/87).

(9)(a) *Training Provider:* Asbestos Analytical Association, Inc.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol A. Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Contractor/Supervisor (contingent from 10/7/88).

(10)(a) *Training Provider:* Asbestos Environmental Services of Maryland, Inc.

Address: P.O. Box 28, Timonium, MD 21093, Contact: Brian Stewart, Phone: (301) 584-1490.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(11)(a) *Training Provider:* Asbestos Workers Local Union No. 24.

Address: 6713 Ammendale Rd., Beltsville, MD 20705, Contact: Thomas Haun, Phone: (301) 937-7636.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker Refresher Course (contingent from 12/1/88).

Contractor/Supervisor (contingent from 12/1/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(12)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Marian Meiselman, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (full from 10/1/87).

Abatement Worker Refresher Course (contingent from 8/12/88).

Abatement Worker Refresher Course (full from 10/31/88).

Contractor/Supervisor (full from 10/1/87).

Contractor/Supervisor Refresher Course (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (full from 10/31/88).

Inspector/Management Planner (contingent from 5/20/88).

Inspector/Management Planner (full from 8/15/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

Inspector/Management Planner Refresher Course (full from 3/20/89).

(13)(a) *Training Provider:* Briggs Associates, Inc. Maryland.

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*

Abatement Worker (contingent from 1/30/89).

(14)(a) *Training Provider:* Brujos Scientific, Inc.

Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(b) *Approved Courses:*

Abatement Worker (full from 11/21/88).

Contractor/Supervisor (contingent from 9/29/88).

(15)(a) *Training Provider:* Carpenters Joint Apprenticeship Committee of Western Pennsylvania.

Address: 495 Mansfield Ave., Pittsburgh, PA 15205, Contact: William Shehab, Phone: (412) 922-6200.

(b) *Approved Course:*

Abatement Worker (contingent from 12/1/88).

(16)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 9 Orchard St., Pittsburgh, PA 15221, Contact: David Ginsburg, Phone: (412) 351-9101.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker (full from 12/8/88).

Abatement Worker Refresher Course (full from 1/19/89).

Contractor/Supervisor (contingent from 9/15/88).

Contractor/Supervisor (full from 12/8/88).

Contractor/Supervisor Refresher Course (full from 1/19/89).

Inspector/Management Planner (contingent from 3/1/89).

Inspector/Management Planner Refresher Course (contingent from 3/1/89).

Project Designer (contingent from 6/29/89).

(17)(a) *Training Provider:* Center for Hazardous Materials Research.

Address: University of Pittsburgh Applied, Research Center, 320 William Pitt Way, Pittsburgh, PA 15238, Contact: Steven T. Ostheim, Phone: (412) 826-5320.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/28/88).

Contractor/Supervisor (contingent from 11/28/88).

(18)(a) *Training Provider:* Charles County Community College.

Address: Mitchell Rd., Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(19)(a) *Training Provider:*

Commonwealth of Pennsylvania Dept. of Public Welfare.

Address: P.O. Box 2675, Harrisburg, PA 17120-0012, Contact: Gerald A. Donatucci, Phone: (717) 783-9543.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).

Abatement Worker (full from 11/15/88).

(20)(a) *Training Provider:* Delaware Technical & Community College Terry Campus.

Address: 1798 North DuPont Pkwy., P.O. Box 897, Dover, DE 19903, Contact: David Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/88).

Abatement Worker Refresher Course (contingent from 3/1/88).

Contractor/Supervisor (contingent from 4/20/88).

Contractor/Supervisor Refresher Course (contingent from 3/1/88).

(21)(a) *Training Provider:* Dept. of the Environment, State of Maryland.

Address: 2500 Broening Hwy., Baltimore, MD 21224, Contact: Barbara Conrad, Phone: (301) 631-3847.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/14/89).

(22)(a) *Training Provider:* Drexel University, Office of Continuing Professional Education.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross, Phone: (215) 895-2158.

(b) *Approved Courses:*

Abatement Worker (interim from 9/1/86 to 11/11/87).

Abatement Worker (full from 11/12/87).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (interim from 9/1/86 to 11/11/87).

Contractor/Supervisor (full from 11/12/87).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 3/8/88).

Inspector/Management Planner (full from 3/14/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(23)(a) *Training Provider:* Dynamac Corp.

Address: 11140 Rockville Pike, Rockville, MD 20852, Contact: Richard A. De Blasio, Phone: (301) 468-2500.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 3/2/89).

Inspector/Management Planner (contingent from 9/1/88).

Inspector/Management Planner Refresher Course (contingent from 6/26/89).

(24)(a) *Training Provider:* E.I. Dupont De Nemours & Co. Spruance Plant.

Address: P.O. Box 27001, Richmond, VA 23261, Contact: Clarence P. Mihal, Jr., Phone: (804) 743-2948.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(25)(a) *Training Provider:* Eagle Industrial Hygiene Association, Inc.

Address: 405 Masons Mill Rd., Huntingdon Valley, PA 19006, Contact: Stephen R. Bell, Phone: (215) 657-2261.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Abatement Worker (full from 7/14/89).

Contractor/Supervisor (contingent from 4/6/89).

Contractor/Supervisor (full from 7/14/89).

Inspector/Management Planner (contingent from 5/16/89).

Inspector/Management Planner Refresher Course (contingent from 7/20/89).

(26)(a) *Training Provider:* Eastern Environmental Services of the Northeast, Inc.

Address: RD 1, Route 309 North, P.O. Box B, Drums, PA 18222, Contact: Kenneth Skuba, Phone: (717) 788-4155.

(b) *Approved Courses:*

Abatement Worker (full from 9/8/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 8/11/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(27)(a) *Training Provider:* Environmental Education Associates.

Address: 28 West Main St., Plymouth, PA 18651, Contact: Harry H. West, Phone: (717) 779-4242.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/17/89).

Contractor/Supervisor (contingent from 5/17/89).

Inspector (contingent from 5/17/89).

(28)(a) *Training Provider:* Environmental Training & Consultants, Inc.

Address: 2 Bala Plaza, Suite 300, Bala Cynwyd, PA 19004, Contact: Linda L. Kershaw, Phone: (215) 667-4685.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

Inspector/Management Planner (contingent from 4/6/89).

(29)(a) *Training Provider:* Environmental Training, Inc.

Address: 10 Industrial Hwy., Building N, Tinicum Industrial Park, Philadelphia, PA 19113, Contact: Gary D. Hyrne, Phone: (215) 521-5469.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).

Abatement Worker Refresher Course (contingent from 6/29/89).

Contractor/Supervisor (contingent from 3/1/89).

Contractor/Supervisor Refresher Course (contingent from 6/29/89).

(30)(a) *Training Provider:* Facilities Management Consultants, Inc.

Address: P.O. Box 309, Cecil, PA 15321, Contact: Edward Monaco, Phone: (412) 745-1770.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker (full from 10/18/88).

Contractor/Supervisor (full from 10/18/88).

(31)(a) *Training Provider:* GST Co.

Address: Freedom Professional Bldg., 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).

Abatement Worker (full from 12/5/88).

Abatement Worker Refresher Course (contingent from 1/30/89).

Contractor/Supervisor (contingent from 11/14/88).

Contractor/Supervisor (full from 12/5/88).

Contractor/Supervisor Refresher Course (contingent from 1/30/89).

Inspector/Management Planner (contingent from 12/29/88).

(32)(a) *Training Provider:* Galson Technical Services, Inc.

Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Ernest L. Sweet, Phone: (215) 432-0506.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/17/88).

(33)(a) *Training Provider:* General Physics Corp.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andrew K. Marsh, Phone: (301) 290-2300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(34)(a) *Training Provider:* Gerald T. Fenton, Inc.

Address: 3152 Bladensburg Rd., Washington, DC 20018, Contact: James R. Foster, Phone: (202) 269-2112.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor (contingent from 12/15/88).

(35)(a) *Training Provider:* Hazard Abatement Training Center.

Address: 101 East Lancaster Ave., Wayne, PA 19087, Contact: Robert Mautner, Phone: (215) 971-0830.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/12/88).

(36)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 2.

Address: 148 East Mall Plaza, Carnegie, PA 15106, Contact: Terry Larkin, Phone: (412) 276-3711.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).

Abatement Worker (full from 10/25/88).

Abatement Worker Refresher Course (contingent from 9/28/88).

Abatement Worker Refresher Course (full from 12/8/88).

Contractor/Supervisor (contingent from 9/28/88).

Contractor/Supervisor Refresher Course (contingent from 9/28/88).

(37)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 23.

Address: 42 Lynwood Dr., Rd. 4, Allentown, PA 18103, Contact: Jos Klocek, Phone: (717) 564-7563.

(b) *Approved Course:*

Abatement Worker (contingent from 10/20/88).

(38)(a) *Training Provider:* Ind. Tra. Co. Ltd. Address: 18 South 22nd St., Richmond, VA 23223-7024, Contact:

Vera Barley, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).

Abatement Worker Refresher Course (contingent from 8/12/88).

Contractor/Supervisor (full from 9/15/87).

Inspector/Management Planner (full from 9/16/88).

Inspector/Management Planner Refresher Course (full from 3/1/89).

(39)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 38.

Address: 315 - 317 North Washington St., Wilkes-Barre, PA 18703, Contact: Robert Hughes, Phone: (717) 829-0634.

(b) *Approved Course:*

Abatement Worker (contingent from 3/2/89).

(40)(a) *Training Provider:* Jenkins Professionals, Inc.

Address: 5022 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/10/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 2/10/88).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(41)(a) *Training Provider:* Laborer's District Council of Eastern Pennsylvania.

Address: 2163 Berryhill St., Harrisburg, PA 17104, Contact: Gerald D. Temarantz, Phone: (717) 564-2707.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).

Abatement Worker (full from 1/30/89).

Abatement Worker Refresher Course (contingent from 5/17/89).

(42)(a) *Training Provider:* Laborers District Council Training Fund of Baltimore & Vicinity.

Address: 7400 Buttercup Rd., Sykesville, MD 21784, Contact: Robert Williams, Phone: (301) 549-1800.

(b) *Approved Course:*

Abatement Worker (contingent from 4/10/89).

(43)(a) *Training Provider:* Laborers District Council of Western Pennsylvania.

Address: 1101 Fifth Ave., Pittsburgh, PA 15219, Contact: Robert F. Ferrari, Phone: (412) 391-8533.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).

Abatement Worker (full from 10/31/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 6/17/88).

Contractor/Supervisor (full from 10/31/88).

(44)(a) *Training Provider:* Laborers District Council, Education Training Fund of Philadelphia & Vicinity.

Address: 500 Lancaster Ave., Exton, PA 19341, Contact: Jerry Roseman, Phone: (215) 836-1175.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/87 to 12/14/87).

Abatement Worker (contingent from 2/18/88).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(45)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Susan M. Wilcox, Phone: (804) 733-1855.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).

Contractor/Supervisor (contingent from 1/26/89).

(46)(a) *Training Provider:* Medical College of Virginia Virginia Commonwealth University Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/2/87).

Contractor/Supervisor (full from 11/2/87).

Contractor/Supervisor Refresher Course (contingent from 8/12/88).

Inspector/Management Planner (full from 2/29/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(47)(a) *Training Provider:* National Association of Minority Contractors.

Address: 806 15th St., NW, Washington, DC 20012, Contact: Ralph C. Thomas, III, Phone: (202) 347-8259.

(b) Approved Courses:

Abatement Worker (contingent from 4/19/89).

Contractor/Supervisor (contingent from 4/19/89).

(48)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) Approved Courses:

Abatement Worker (interim from 11/1/86 to 8/1/87).

Abatement Worker (contingent from 9/18/87).

Abatement Worker (full from 9/18/87).
Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (interim from 11/1/86 to 8/1/87).

Contractor/Supervisor (contingent from 9/18/87).

Contractor/Supervisor (full from 9/18/87).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

Inspector (contingent from 5/26/88).

(49)(a) *Training Provider:*

Occupational Medical Center.

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Ellen Kite, Phone: (301) 306-0632.

(b) Approved Course:

Abatement Worker (contingent from 9/28/88).

(50)(a) *Training Provider:* Old

Dominion University Office of Continuing Education College of Health Services.

Address: 204 Old Science Building, Norfolk, VA 23529-0290, Contact: Shirley Glover, Phone: (804) 440-4256.

(b) Approved Courses:

Abatement Worker (contingent from 6/30/88).

Abatement Worker (full from 7/27/88).

(51)(a) *Training Provider:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Oneil M. Banks, Phone: (301) 879-4676.

(b) Approved Courses:

Abatement Worker (contingent from 1/5/88).

Abatement Worker (full from 2/20/89).

Contractor/Supervisor (contingent from 1/5/88).

Inspector (contingent from 3/14/88).

(52)(a) *Training Provider:* Paskal Environmental Services.

Address: 6010 Sonoma Rd., Bethesda, MD 20817, Contact: Steve Paskal, Phone: (301) 571-1507.

(b) Approved Course:

Abatement Worker (contingent from 4/28/88).

(53)(a) *Training Provider:* Philadelphia Electric Co.

Address: Barbados Training Center, Norristown, PA 19401, Contact: John J. Stankiewicz, Phone: (215) 270-8600.

(b) Approved Courses:

Abatement Worker (contingent from 9/19/88).

Abatement Worker Refresher Course (contingent from 2/24/89).

(54)(a) *Training Provider:* Phoenix Safety Associates, Ltd.

Address: P.O. Box 545, Phoenixville, PA 19460, Contact: Janice Sharkey, Phone: (215) 935-1770.

(b) Approved Course:

Inspector/Management Planner (contingent from 9/1/88).

(55)(a) *Training Provider:* Quality Specialties, Inc.

Address: P.O. Box 46, 109 South 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-5855.

(b) Approved Course:

Abatement Worker (contingent from 8/8/88).

(56)(a) *Training Provider:* RCW Environmental Consulting & Training.

Address: 711 Shetland St., Rockville, MD 20851, Contact: Robert C. Wyatt, Phone: (301) 251-0291.

(b) Approved Courses:

Abatement Worker (contingent from 8/1/89).

Contractor/Supervisor (contingent from 8/1/89).

(57)(a) *Training Provider:* Roofer Local No. 30/Roofing & Sheet Metal Contractors of Philadelphia & Vicinity Joint Apprentice Program.

Address: 433 Kelly Dr., Philadelphia, PA 19129, Contact: Richard Harvey, Phone: (215) 849-4800.

(b) Approved Courses:

Abatement Worker (contingent from 7/21/89).

Contractor/Supervisor (contingent from 7/21/89).

(58)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23456, Contact: Sandra A. Akers, Phone: (804) 468-0027.

(b) Approved Course:

Abatement Worker (contingent from 7/12/88).

(59)(a) *Training Provider:* STI, Inc.

Address: P.O. Box 1029, Aberdeen, MD 21001, Contact: Terry F. Carraway, Jr., Phone: (301) 575-7844.

(b) Approved Courses:

Abatement Worker (contingent from 7/19/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 7/19/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 12/15/88).

(60)(a) *Training Provider:* STIC Corporation.

Address: Box 347, Wilkes-Barre, PA 18703, Contact: Ed Barrett, Phone: (717) 829-3614.

(b) Approved Course:

Contractor/Supervisor (contingent from 4/7/89).

(61)(a) *Training Provider:* Safety Management Institute.

Address: P.O. Box 1844, Altoona, PA 16603, Contact: Christopher Tate, Phone: (814) 946-1221.

(b) Approved Courses:

Abatement Worker (contingent from 1/6/88).

Abatement Worker (full from 8/8/88).

Abatement Worker Refresher Course (contingent from 2/8/89).

Contractor/Supervisor (contingent from 1/6/88).

Contractor/Supervisor (full from 8/8/88).

Contractor/Supervisor Refresher Course (contingent from 2/8/89).

Inspector/Management Planner (contingent from 2/4/88).

Inspector/Management Planner (full from 2/8/88).

Inspector/Management Planner Refresher Course (contingent from 2/8/89).

(62)(a) *Training Provider:* Schneider Engineers.

Address: 98 Vanadium Rd., Bridgeville, PA 15017, Contact: Amy Couch Shultz, Phone: (412) 221-1100.

(b) Approved Courses:

Abatement Worker (contingent from 2/22/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 2/22/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 2/22/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(63)(a) *Training Provider:* Temple University College of Engineering Asbestos Abatement Center.

Address: 12th & Norris Sts.,
Philadelphia, PA 19122, Contact:
Lester Levin, Phone: (215) 787-6479.

(b) *Approved Courses:*

Abatement Worker (full from 10/21/87).
Contractor/Supervisor (contingent from
9/28/87).

Contractor/Supervisor (full from 10/1/
87).

Inspector/Management Planner (full
from 10/13/87).

Inspector/Management Planner
Refresher Course (full from 12/19/88).

Project Designer (contingent from 3/20/
89).

(64)(a) *Training Provider:* Tetra
Services, Inc.

Address: Pleasant Valley Rd., P.O. Box
295A, Trafford, PA 15085, Contact:
Dominic R. Medure, Phone: (412) 744-
3377.

(b) *Approved Course:*

Abatement Worker (contingent from 4/
20/89).

(65)(a) *Training Provider:* The Glaser
Co.

Address: 200 Kanawha Ter., St. Albans,
WV 25177, Contact: Stephen P. Glaser,
Phone: (304) 722-2832.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/
6/89).

Contractor/Supervisor (contingent from
4/6/89).

(66)(a) *Training Provider:* The J.O.B.S.
Company.

Address: P.O. Box 3763, Charleston, WV
25337, Contact: Ann Hyre, Phone:
(304) 344-0048.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/
25/89).

Contractor/Supervisor (contingent from
5/25/89).

(67)(a) *Training Provider:* Tracor Jitco,
Inc.

Address: 1601 Research Blvd., Rockville,
MD 20850, Contact: Daniel O. Chute,
Phone: (301) 984-2718.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/
4/89).

Contractor/Supervisor (contingent from
1/4/89).

Inspector/Management Planner
(contingent from 1/4/89).

(68)(a) *Training Provider:* United
Environmental Systems, Inc.

Address: 14 Stella Dr., Churchville, PA
18966, Contact: Michael Yaron, Phone:
(215) 829-9454.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/
3/88).

Contractor/Supervisor (contingent from
6/30/88).

Inspector/Management Planner
(contingent from 7/8/88).

(69)(a) *Training Provider:* University
of Pittsburgh Graduate School of Public
Health.

Address: Dept. of Industrial
Environmental, Health Sciences,
Pittsburgh, PA 15261, Contact: Dietrich
A. Weyel, Phone: (412) 624-3042.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
6/88).

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course
(contingent from 4/20/89).

Contractor/Supervisor (contingent from
3/6/88).

Contractor/Supervisor (full from 6/6/
88).

Contractor/Supervisor Refresher Course
(contingent from 4/20/89).

(70)(a) *Training Provider:* Volz
Environmental Services, Inc.

Address: 3010 William Pitt Way,
Pittsburgh, PA 15238, Contact: Greg
Ashman, Phone: (412) 828-3150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/
3/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course
(contingent from 4/20/89).

Contractor/Supervisor (contingent from
10/3/88).

Contractor/Supervisor (full from 1/23/
89).

Contractor/Supervisor Refresher Course
(contingent from 4/20/89).

Inspector/Management Planner
(contingent from 10/3/88).

Inspector/Management Planner
Refresher Course (contingent from 4/
20/89).

(71)(a) *Training Provider:* Waco, Inc.

Address: Highway 925, N, P.O. Box 759,
Waldorf, MD 20601, Contact: Wayne
Cooper, Phone: (301) 843-2488.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).

Abatement Worker Refresher Course
(contingent from 8/12/88).

Contractor/Supervisor (full from 9/15/
87).

Contractor/Supervisor Refresher Course
(contingent from 3/1/89).

Inspector/Management Planner
Refresher Course (contingent from 3/
11/88).

(72)(a) *Training Provider:* West

Virginia Laborers Training Trust Fund.

Address: One Monogalia St., Charleston,
WV 25302, Contact: Wetzel Harvey,
Phone: (304) 346-0581.

(b) *Approved Course:*

Abatement Worker (contingent from 8/
29/88).

(73)(a) *Training Provider:* West
Virginia University Extension Service.

Address: 704 Knapp Hall, P.O. Box 6031,
Morgantown, WV 26506-6031,
Contact: Robert L. Moore, Phone: (304)
293-4013.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/
20/88).

Contractor/Supervisor (contingent from
10/20/88).

Inspector/Management Planner
(contingent from 5/9/88).

Inspector/Management Planner
Refresher Course (contingent from 4/
20/89).

Inspector/Management Planner
Refresher Course (full from 4/26/89).

(74)(a) *Training Provider:* White Lung
Association.

Address: 1114 Cathedral St., Baltimore,
MD 21201, Contact: James Fite, Phone:
(301) 727-6029.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/
18/88).

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course
(contingent from 2/23/89).

Contractor/Supervisor (contingent from
2/18/88).

Contractor/Supervisor (full from 6/6/
88).

Contractor/Supervisor Refresher Course
(contingent from 2/23/89).

Inspector/Management Planner
(contingent from 1/4/88).

Inspector/Management Planner (full
from 2/15/88).

Inspector/Management Planner
Refresher Course (contingent from 12/
29/88).

(75)(a) *Training Provider:* William L.
James Enterprises, Inc.

Address: P.O. Box 1478, Scranton, PA
18501-1478, Contact: William L. James,
Phone: (717) 344-5830.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/
20/88).

Contractor/Supervisor (contingent from
4/20/88).

EPA-Approved Training Courses

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz
Wilde, EPA, Region IV, 345 Courtland
St., NE, (4APT-PT), Atlanta, GA 30365.
(404) 347-5014, (FTS) 257-5014.

List of Approved Courses: The
following training courses have been
approved by EPA. The courses are listed
under (b). This approval is subject to the

level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IV training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A.S.C. Consultants, Inc.

Address: P.O. Box 31, Waynesville, NC 28786, Contact: Terry LaDuke, Phone: (704) 452-3449.

(b) *Approved Course:*

Abatement Worker (contingent from 6/22/89).

(2)(a) *Training Provider:* AHP Research, Inc.

Address: 1502 Johnsons Ferry Rd., Atlanta, GA 30362, Contact: Dwight Brown, Phone: (404) 565-0061.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 1/6/89).

Inspector/Management Planner (interim from 5/28/86 to 12/13/87).

Inspector/Management Planner (full from 12/14/87).

(3)(a) *Training Provider:* ATEC Associates, Inc.

Address: 129 West Valley Ave., Birmingham, AL 35209-3691, Contact: W. David Yates, Phone: (205) 945-9224.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).

Contractor/Supervisor (contingent from 4/14/89).

Inspector/Management Planner (contingent from 4/14/89).

(4)(a) *Training Provider:* ATI Environmental Services.

Address: P.O. Box 3044, Louisville, KY 40201, Contact: Tim Ellis, Phone: (502) 589-5308.

(b) *Approved Courses:*

Abatement Worker (full from 1/12/88).

Abatement Worker Refresher Course (contingent from 2/21/89).

Contractor/Supervisor (full from 1/12/88).

Contractor/Supervisor Refresher Course (contingent from 2/21/89).

(5)(a) *Training Provider:* All Gulf Contractors, Inc.

Address: 3654 Halls Mill Rd., Mobile, AL 36693, Contact: Robert Pettie, Phone: (205) 665-5199.

(b) *Approved Course:*

Abatement Worker (contingent from 2/22/89).

(6)(a) *Training Provider:* American Environmental Safety Institute.

Address: P.O. Box 212116, Columbia, SC 29221-2116, Contact: Kim Cleveland, Phone: (803) 731-2986.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/89).

Abatement Worker Refresher Course (contingent from 12/16/88).

Contractor/Supervisor (full from 10/17/88).

Contractor/Supervisor Refresher Course (contingent from 12/16/88).

Inspector/Management Planner (full from 2/8/89).

(7)(a) *Training Provider:* Arch Training Services, Inc.

Address: Hotel Royal Plaza, P.O. Box 22203, Lake Buena Vista, FL 32830-2203, Contact: Arleen Folkes Goldberg, Phone: (407) 827-3985.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

Inspector/Management Planner (contingent from 3/2/89).

(8)(a) *Training Provider:* Asbestos Abatement Associates, Inc.

Address: 1211 Boiling Springs Rd., Spartanburg, SC 29303, Contact: Otey Reynolds, Phone: (803) 582-1222.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).

Abatement Worker (full from 6/26/89).

Contractor/Supervisor (contingent from 3/7/89).

(9)(a) *Training Provider:* Asbestos Consultants, Inc.

Address: P.O. Box 9054, Greensboro, NC 27408, Contact: Thomas Petty, Phone: (919) 275-3907.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/9/88).

(10)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 Northwest 6th Ave., Ft. Lauderdale, FL 33311, Contact: James F. Stump, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (full from 5/8/88).

Contractor/Supervisor (contingent from 2/22/89).

(11)(a) *Training Provider:* Asbestos Technical Resource Center, Inc.

Address: P.O. Box 2755, Covington, GA 30209-2755, Contact: Timothy E. Fuller, Phone: (404) 361-9182.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/2/89).

Abatement Worker Refresher Course (full from 6/7/89).

Contractor/Supervisor (contingent from 6/2/89).

Contractor/Supervisor Refresher Course (full from 6/7/89).

(12)(a) *Training Provider:* Atlantic Environmental Consulting, Inc.

Address: 12200 Southwest 132 Ct., Miami, FL 33186, Contact: Stephan R. Schanemann, Phone: (305) 232-6364.

(b) *Approved Course:*

Abatement Worker (contingent from 8/11/88).

(13)(a) *Training Provider:* BCM Engineers, Inc.

Address: 108 St. Anthony St., P.O. Box 1784, Mobile, AL 36633, Contact: H. Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner (full from 11/11/87).

Inspector/Management Planner Refresher Course (contingent from 11/10/88).

Project Designer (full from 12/8/87).

Project Designer Refresher Course (contingent from 5/4/89).

(14)(a) *Training Provider:* Betchel Construction, Inc.

Address: P.O. Box 3218, Florida City, FL 33034, Contact: R.C. Slover, Phone: (305) 246-6565.

(b) *Approved Course:*

Abatement Worker (contingent from 3/13/89).

(15)(a) *Training Provider:* Big Bend Abatement, Inc.

Address: 3542 West Orange Ave., Tallahassee, FL 32310, Contact: Robert Law, Phone: (904) 576-0130.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/89).

(16)(a) *Training Provider:* Briggs Associates Int'l. Inc.

Address: 4209 Vineland Rd., Suites J-9/10, Orlando, FL 32811, Contact: Jim McCulloch, Phone: (407) 422-3522.

(b) *Approved Course:*

Abatement Worker (contingent from 5/4/89).

(17)(a) *Training Provider:* CRU Incorporated.

Address: 13029 Middletown Industrial Blvd., Louisville, KY 40223, Contact: Donna Ringo, Phone: (502) 244-8844.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).

Contractor/Supervisor (contingent from 5/1/89).

Inspector/Management Planner (contingent from 5/26/89).

(18)(a) *Training Provider:* DPC General Contractors, Inc.

Address: 250 Arizona Ave., NE, Bldg. A, Atlanta, GA 30307, Contact: Glen Kahler, Phone: (404) 373-0561.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/88).

Abatement Worker (full from 5/9/88).

(19)(a) *Training Provider:* EEC, Inc.

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Shrimanker, Phone: (919) 732-8910.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/7/89).

Abatement Worker Refresher Course (contingent from 5/3/89).

(20)(a) *Training Provider:* ELB & Associates, Inc.

Address: 605 Eastowne Dr., Chapel Hill, NC 27514, Contact: Michael L. Cannon, Phone: (919) 493-4471.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(21)(a) *Training Provider:* Energy Support Services, Inc.

Address: P.O. Box 6098, Asheville, NC 28816, Contact: Edward T. Rochelle, Phone: (704) 258-8888.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/5/89).

(22)(a) *Training Provider:* Enpuricon Asbestos Management.

Address: 6308 - D Angus Dr., Raleigh, NC 27613, Contact: Terry E. Slate, Phone: (919) 781-0886.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/11/89).

Contractor/Supervisor (contingent from 2/6/89).

(23)(a) *Training Provider:* Enviro Science, Inc.

Address: 3509 Hayworth Dr., Raleigh, NC 27609, Contact: Reginald C. Jordan, Phone: (919) 782-6527.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/15/88).

(24)(a) *Training Provider:* Enviro-Tech.

Address: 550 Comet St., No. 16, P.O. Box 6752, Jacksonville, FL 32236, Contact: Rafael Abrev, Phone: (904) 384-0732.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/89).

Contractor/Supervisor (contingent from 7/11/89).

(25)(a) *Training Provider:* Environmental Aspects, Inc.

Address: 1527 North Dale Mabry Hwy., Suite 105, Lutz, FL 33549-3010,

Contact: Dennis L. Mast, Phone: (813) 948-1387.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).

Abatement Worker (full from 7/7/89).

Abatement Worker Refresher Course (contingent from 7/18/89).

Contractor/Supervisor (contingent from 4/14/89).

Inspector/Management Planner (contingent from 6/30/89).

(26)(a) *Training Provider:*

Environmental Engineering Co., Inc.

Address: 500 Rivermont Rd., Columbia, SC 29210, Contact: Russell Richard, Phone: (803) 256-7846.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).

Contractor/Supervisor (contingent from 2/17/89).

(27)(a) *Training Provider:*

Environmental Resources Group.

Address: 3845 Viscount, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(28)(a) *Training Provider:* Evans Environmental & Geological Science & Management, Inc.

Address: 2631 Southwest 27 St., Miami, FL 33133, Contact: Charles Evans, Phone: (305) 856-7458.

(b) *Approved Course:*

Abatement Worker (contingent from 1/31/89).

(29)(a) *Training Provider:* Fayetteville Technical Community College.

Address: P.O. Box 35236, Fayetteville, NC 28303, Contact: John McNeill, Phone: (919) 323-1961.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).

Contractor/Supervisor (contingent from 5/1/89).

(30)(a) *Training Provider:* Georgia Tech. Institute.

Address: O'Keefe Building, Room 029, Atlanta, GA 30332, Contact: Robert D. Schmitter, Phone: (404) 894-3806.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 6/1/85 to 5/10/87).

Contractor/Supervisor (full from 5/11/87).

Contractor/Supervisor Refresher Course (contingent from 9/23/87).

Contractor/Supervisor Refresher Course (full from 7/7/88).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (contingent from 10/24/88).

Inspector/Management Planner Refresher Course (full from 11/29/88).

Project Designer (contingent from 6/1/88).

Project Designer (full from 6/7/88).

Project Designer Refresher Course (contingent from 1/31/89).

Project Designer Refresher Course (full from 3/22/89).

(31)(a) *Training Provider:* Great Barrier Insulation Co.

Address: Meador Warehouse, Western Dr., Mobile, AL 36607, Contact: Thomas Knotts, Phone: (205) 476-0350.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).

Abatement Worker (full from 4/4/89).

Abatement Worker Refresher Course (contingent from 3/30/89).

(32)(a) *Training Provider:* Harmon Engineering Associates.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Roger W. Thompson, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(33)(a) *Training Provider:* Harrison Contracting, Inc.

Address: 3845 Viscount St., Suite 12, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 10/12/88).

(34)(a) *Training Provider:* Howard I. Henson Training Institute.

Address: 3592 Flat Shoals Rd., Decatur, GA 30034, Contact: Stephen Henson, Phone: (404) 243-5107.

(b) *Approved Course:*

Abatement Worker (full from 2/16/88).

(35)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 13.

Address: 145 East First St., Jacksonville, FL 32206, Contact: Tom Mallard, Phone: (904) 355-4881.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).

Abatement Worker Refresher Course (contingent from 1/23/89).

Contractor/Supervisor (contingent from 1/23/89).

Contractor/Supervisor (full from 4/24/89).

Contractor/Supervisor Refresher Course (contingent from 1/23/89).

(36)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 46.

Address: 7111 Wright Rd., Knoxville, TN 37931, Contact: John Wade, Phone: (615) 938-1274.

(b) *Approved Courses:*

Abatement Worker (full from 10/11/88).
Contractor/Supervisor (full from 1/9/89).

Contractor/Supervisor Refresher Course (contingent from 11/4/89).

Contractor/Supervisor Refresher Course (full from 1/9/89).

(37)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 48.

Address: 374 Maynard Terrace, SE, Suite 232, Atlanta, GA 30316, Contact: Timothy Fuller, Phone: (404) 373-9866.

(b) *Approved Courses:*

Abatement Worker (full from 5/4/88).
Contractor/Supervisor (full from 6/27/88).

Contractor/Supervisor Refresher Course (full from 11/2/88).

Inspector (contingent from 9/26/88).

Inspector (full from 9/28/88).

(38)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 60.

Address: 13000 Northwest 47th Ave., Miami, FL 33054, Contact: David Cleveland, Phone: (305) 681-0679.

(b) *Approved Courses:*

Abatement Worker (full from 11/15/88).
Contractor/Supervisor (full from 12/12/88).

(39)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 67.

Address: 7930 U.S. Hwy. 301 N, Tampa, FL 33637, Contact: Don Tucker, Phone: (813) 985-3067.

(b) *Approved Courses:*

Abatement Worker (full from 8/23/89).
Contractor/Supervisor (full from 11/29/88).

(40)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 72.

Address: 2513 Adams St., Wilmington, NC 28401, Contact: Mike Harrell, Phone: (919) 343-1730.

(b) *Approved Course:*

Abatement Worker (full from 8/10/88).

(41)(a) *Training Provider:*

International Association of Heat &

Frost Insulators & Asbestos Workers
Local Union No. 78.

Address: 600 Main St., Gardendale, AL 35071, Contact: Bill Boothe, Phone: (205) 631-4640.

(b) *Approved Courses:*

Abatement Worker (full from 10/25/88).
Contractor/Supervisor Refresher Course (full from 5/17/89).

(42)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 86.

Address: 4822 Charlotte Ave., Nashville, TN 37209, Contact: Don Cundiff, Phone: (615) 297-7127.

(b) *Approved Courses:*

Abatement Worker (full from 7/10/89).
Contractor/Supervisor (full from 7/10/89).

(43)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers
Local Union No. 96.

Address: 811 East 66th St., Savannah, GA 31405, Contact: Robert G. Greene, Phone: (912) 352-0014.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).
Contractor/Supervisor (full from 9/13/88).

(44)(a) *Training Provider:* LCI Training Institute.

Address: 1432 Jocasta Dr., Lexington, KY 40502-5320, Contact: John F. Summersett, Phone: (606) 273-8881.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/88).
Contractor/Supervisor (contingent from 6/9/88).

(45)(a) *Training Provider:* Laborers District Council of Southeast Florida.

Address: 799 Northwest 62nd St., Miami, FL 33510, Contact: Albert Houston, Phone: (305) 754-2659.

(b) *Approved Course:*

Abatement Worker (full from 3/15/88).

(46)(a) *Training Provider:* Lang Engineering of Florida, Inc.

Address: 5432 Commerce Park Blvd., Tampa, FL 33610, Contact: Robert Lang, Phone: (813) 622-8311.

(b) *Approved Course:*

Abatement Worker (contingent from 1/17/89).

(47)(a) *Training Provider:* Medical (Musc) University of South Carolina Dept. of Environmental Health.

Address: 171 Ashley Ave., Charleston, SC 29425, Contact: Jan Temple, Phone: (803) 792-5315.

(b) *Approved Courses:*

Abatement Worker (full from 12/19/88).
Abatement Worker Refresher Course

(contingent from 2/2/89).

Contractor/Supervisor Refresher Course (contingent from 2/2/89).

Contractor/Supervisor Refresher Course (full from 5/3/89).

Inspector/Management Planner Refresher Course (contingent from 2/2/89).

Inspector/Management Planner Refresher Course (full from 5/2/89).

(48)(a) *Training Provider:* Mississippi State University Dept. of Continuing Education.

Address: Memorial Hall-Bar Ave., P.O. Drawer 5247, Mississippi State, MS 39762-5247, Contact: Margaret V. Naugle, Phone: (601) 325-2677.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor (contingent from 7/19/88).

Contractor/Supervisor (full from 6/29/89).

Contractor/Supervisor Refresher Course (contingent from 5/26/89).

Inspector/Management Planner (full from 6/20/88).

Inspector/Management Planner Refresher Course (contingent from 5/26/89).

Project Designer (contingent from 12/15/88).

Project Designer Refresher Course (contingent from 5/26/89).

(49)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Zachary S. Cowan, III, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (interim from 7/1/86 to 6/1/87).

Abatement Worker (full from 7/1/87).

Abatement Worker Refresher Course (contingent from 2/8/89).

(50)(a) *Training Provider:* National Monitoring Labs, Inc.

Address: 1400 North 46th St., Suite V-28, Tampa, FL 33613, Contact: Gil Rakshi, Phone: (800) 347-3414.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/14/89).

Contractor/Supervisor Refresher Course (contingent from 5/23/89).

Inspector/Management Planner (contingent from 4/14/89).

Inspector/Management Planner Refresher Course (contingent from 5/23/89).

- (51)(a) *Training Provider*: PDR Engineers, Inc.
Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: Ayaja K. Upaphyaya, Phone: (615) 298-2065.
(b) *Approved Courses*:
Inspector (contingent from 9/15/88).
(52)(a) *Training Provider*: Practical Environmental Training Institute.
Address: P.O. Box 26308, Charlotte, NC 28221-6308, Contact: Dianne Christenbery, Phone: (704) 598-9588.
(b) *Approved Courses*:
Abatement Worker (contingent from 10/20/88).
Abatement Worker (full from 10/24/88).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor (full from 3/20/89).
(53)(a) *Training Provider*: Republic Industries, Inc.
Address: P.O. Box 5565, Station 1, Wilmington, NC 28403, Contact: Gerry Phelps, Phone: (919) 799-2664.
(b) *Approved Courses*:
Abatement Worker (contingent from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 6/5/89).
(54)(a) *Training Provider*: Retra Services, Inc.
Address: 1730 U.S. Alt. 19 South, Suite H, Tarpon Springs, FL 34689, Contact: Phillip Paroff, Phone: (800) 548-5848.
(b) *Approved Courses*:
Abatement Worker (full from 1/24/89).
Abatement Worker Refresher Course (contingent from 12/29/88).
Abatement Worker Refresher Course (full from 1/24/89).
(55)(a) *Training Provider*: South Carolina Research & Training Center.
Address: 300 Gervais St., Annex III, Columbia, SC 29201, Contact: Jan Temple, Phone: (803) 737-2060.
(b) *Approved Courses*:
Contractor/Supervisor (full from 3/8/88).
Inspector/Management Planner (full from 3/1/88).
(56)(a) *Training Provider*: Southeast Asbestos Free Environments, Inc.
Address: 350 South Second Ave., P.O. Box 51267, Jacksonville Beach, FL 32250, Contact: Jim Hardi, Phone: (904) 723-3568.
(b) *Approved Courses*:
Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/18/89).
(57)(a) *Training Provider*: Technical Abatement Service, Inc.
Address: 897 East Lemon St., Bartow, FL 33830, Contact: John W. Pery, Phone: (813) 533-0885.
(b) *Approved Course*:
Abatement Worker (contingent from 6/21/89).
(58)(a) *Training Provider*: Tennessee Environmental Services.
Address: 1804 Williamson Ct., Brentwood, TN 37027, Contact: Claire Badan, Phone: (615) 373-8792.
(b) *Approved Courses*:
Abatement Worker (contingent from 5/26/89).
Contractor/Supervisor (contingent from 5/26/89).
(59)(a) *Training Provider*: The Environmental Institute.
Address: COBB Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.
(b) *Approved Courses*:
Abatement Worker (contingent from 12/10/87).
Abatement Worker (full from 5/2/88).
Contractor/Supervisor (contingent from 12/10/87).
Contractor/Supervisor (full from 2/1/88).
Contractor/Supervisor Refresher Course (full from 5/19/88).
Inspector/Management Planner (contingent from 12/10/87).
Inspector/Management Planner (full from 1/25/88).
Inspector/Management Planner Refresher Course (full from 11/8/88).
Project Designer (contingent from 2/5/88).
Project Designer (full from 2/9/88).
Project Designer Refresher Course (contingent from 4/17/89).
(60)(a) *Training Provider*: University of Alabama, Tuscaloosa College of Continuing Studies, Division of Envir. & Industrial Prog.
Address: P.O. Box 2967, Tuscaloosa, AL 35486-2967, Contact: William Weems, Phone: (205) 348-3033.
(b) *Approved Courses*:
Abatement Worker (full from 4/5/88).
Contractor/Supervisor (full from 12/14/87).
Inspector/Management Planner (full from 5/16/88).
(61)(a) *Training Provider*: University of Alabama-Birmingham Deep South Center.
Address: Birmingham, AL 35294, Contact: Elizabeth Lynch, Phone: (205) 934-7032.
(b) *Approved Courses*:
Inspector/Management Planner (contingent from 3/21/88).
Inspector/Management Planner (full from 3/21/88).
Inspector/Management Planner Refresher Course (contingent from 3/3/89).
(62)(a) *Training Provider*: University of Florida TREEO Center.
Address: 3900 Southwest 63rd Blvd., Gainesville, FL 32608, Contact: Peggy Cook-Holland, Phone: (904) 392-9470.
(b) *Approved Courses*:
Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (interim from 2/9/87 to 4/30/87).
Contractor/Supervisor (full from 5/1/87).
Contractor/Supervisor Refresher Course (contingent from 1/17/89).
Inspector/Management Planner (interim from 1/27/87 to 12/14/87).
Inspector/Management Planner (contingent from 2/5/88).
Inspector/Management Planner (full from 2/15/88).
(63)(a) *Training Provider*: University of Kentucky, College of Engineering Continuing Education.
Address: 305 Slone Bldg., Lexington, KY 40506-0053, Contact: A.B. Broderson, Phone: (606) 257-4300.
(b) *Approved Courses*:
Abatement Worker Refresher Course (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 5/24/89).
Inspector Refresher Course (contingent from 3/3/89).
Inspector/Management Planner (full from 2/15/88).
(64)(a) *Training Provider*: University of North Carolina Occupational Safety & Health Educational Resource Center.
Address: 109 Conner Dr., Suite 1101, Chapel Hill, NC 27514, Contact: Ted Williams, Phone: (919) 962-2101.
(b) *Approved Courses*:
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 6/7/89).
Inspector/Management Planner (contingent from 11/9/87).
Inspector/Management Planner (full from 11/9/87).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (contingent from 5/2/89).
Project Designer Refresher Course (contingent from 6/22/89).

(65)(a) *Training Provider:* University of South Carolina School of Public Health c/o Azimuth Inc.

Address: 9229 University Blvd., Charleston, SC 29418, Contact: Betty Schnee, Phone: (803) 553-9456.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/89).

Contractor/Supervisor (contingent from 5/5/89).

Contractor/Supervisor Refresher Course (contingent from 5/24/89).

(66)(a) *Training Provider:* WESTON, INC.

Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: Ronald Thompson, Phone: (205) 826-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Contractor/Supervisor (contingent from 10/13/88).

Contractor/Supervisor (full from 5/15/89).

Contractor/Supervisor Refresher Course (contingent from 1/31/89).

Inspector/Management Planner (contingent from 5/13/88).

Inspector/Management Planner Refresher Course (contingent from 12/15/88).

Project Designer (contingent from 8/23/88).

Project Designer Refresher Course (contingent from 1/31/89).

(67)(a) *Training Provider:* Westinghouse Environmental Geotechnical Services, Inc.

Address: 3100 Spring Forest Rd., Suite 118, P.O. Box 58069, Raleigh, NC 27658-8069, Contact: James R. Penland, Phone: (919) 872-2660.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/89).

Contractor/Supervisor (contingent from 7/18/89).

(68)(a) *Training Provider:* Williams & Associates, Inc. Environmental Training Center.

Address: 460 Tennessee St., Memphis, TN 38103, Contact: Ruth Williams, Phone: (901) 521-9030.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/18/88).

Abatement Worker (full from 4/18/88).
Abatement Worker Refresher Course (contingent from 5/1/89).

Contractor/Supervisor (contingent from 2/18/88).

Contractor/Supervisor (full from 4/18/88).

Contractor/Supervisor Refresher Course (contingent from 5/1/89).

EPA-Approved Training Courses

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region V training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Abatement Training Institute, Inc.

Address: P.O. Box 26835, Columbus, OH 43226-0835, Contact: Steven Ritchie, Phone: (614) 267-0908.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

(2)(a) *Training Provider:* Advanced Mechanical Insulation, Inc.

Address: 205 West Randolph St., Suite 1050, Chicago, IL 60606, Contact: Jeffery M. Bertrand, Phone: (312) 704-9494.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

(3)(a) *Training Provider:* Affiliated Environmental Services, Inc.

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Jack Dauch, Phone: (419) 627-1976.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/14/88).

Abatement Worker (full from 10/24/88).

Abatement Worker Refresher Course (contingent from 2/2/89).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor (full from 2/27/89).

Contractor/Supervisor Refresher Course (contingent from 2/2/89).

Inspector/Management Planner (contingent from 5/30/89).

(4)(a) *Training Provider:* Alderink & Associates, Inc.

Address: 3221 Three Mile Rd., NW, Grand Rapids, MI 49504, Contact: Deborah C. Alderink, Phone: (616) 791-0730.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).

Abatement Worker (full from 9/6/88).

Abatement Worker Refresher Course (contingent from 9/1/88).

Abatement Worker Refresher Course (full from 9/6/88).

Contractor/Supervisor (contingent from 7/15/88).

Contractor/Supervisor (full from 9/19/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(5)(a) *Training Provider:* American Asbestos Institute, Inc. (Formerly Illinois Asbestos Council).

Address: Box 7477, Springfield, IL 62791, Contact: Donald G. Handy, Phone: (217) 523-8747.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/29/89).

Contractor/Supervisor (contingent from 3/29/89).

Inspector/Management Planner (contingent from 3/29/89).

(6)(a) *Training Provider:* American Environmental Institute.

Address: Main Campus, Plaza West, Cleveland, OH 44118, Contact: Gary P. Block, Phone: (216) 333-6225.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Abatement Worker Refresher Course (contingent from 12/8/88).

Contractor/Supervisor (contingent from 9/1/88).

Contractor/Supervisor Refresher Course (contingent from 12/6/88).

Inspector/Management Planner (contingent from 11/14/88).

(7)(a) *Training Provider:* American Industrial Hygiene Association.

Address: 475 Wolf Ledges Pkwy., Akron, OH 44311-1087, Contact: Mary Christ, Phone: (216) 762-7294.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 2/23/89).

(8)(a) *Training Provider:* Applied Environmental Sciences, Inc.

Address: Minneapolis Business & Technology, Center, 511 11th Ave. S, Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker Refresher Course (contingent from 3/16/89).

Contractor/Supervisor (contingent from 2/7/89).

Contractor/Supervisor Refresher Course (contingent from 3/16/89).

(9)(a) *Training Provider:* Aries Environmental Services, Ltd.

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Dennis Cesarotti, Phone: (312) 879-3006.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Abatement Worker Refresher Course (contingent from 1/18/89).

(10)(a) *Training Provider:* Asbestos Abatement, Inc.

Address: 2420 N. Grand River, Lansing, MI 48906, Contact: Shawn O'Callaghan, Phone: (517) 323-0053.

(b) *Approved Course:*

Abatement Worker (contingent from 7/6/88).

(11)(a) *Training Provider:* Asbestos Consulting Group, Inc.

Address: P.O. Box 3157, La Crosse, WI 54602-3157, Contact: Larry Lienau, Phone: (608) 782-1670.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 7/12/88).

Inspector/Management Planner (contingent from 10/14/88).

(12)(a) *Training Provider:* Asbestos Management, Inc.

Address: 36700 South Huron, Suite 104, New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 1/4/89).

Contractor/Supervisor (contingent from 8/18/87).

Inspector/Management Planner (contingent from 1/26/88).

Inspector/Management Planner (full from 2/1/88).

Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(13)(a) *Training Provider:* Asbestos Roofing Technology, Inc.

Address: P.O. Box 211, Lyons, IL 60534, Contact: Jay E. Refieuna, Phone: (312) 352-0400.

(b) *Approved Course:*

Abatement Worker (contingent from 4/13/89).

(14)(a) *Training Provider:* Asbestos Services, Inc.

Address: P.O. Box 141, Baroda, MI 49101, Contact: Dennis W. Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 3/17/89).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 3/17/89).

(15)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 1186 Summit Ave., St. Paul, MN 55105, Contact: James D. Risimini, Phone: (612) 290-0342.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 2/7/89).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 2/7/89).

Inspector/Management Planner (contingent from 7/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(16)(a) *Training Provider:* Asbestos Training & Employment, Inc. (ATEI).

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Tom Dwyer, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/15/88).

Abatement Worker (full from 5/18/88).

Abatement Worker Refresher Course (contingent from 12/11/88).

Contractor/Supervisor (contingent from 1/19/88).

Contractor/Supervisor (full from 6/20/88).

Contractor/Supervisor Refresher Course (contingent from 12/11/88).

Inspector/Management Planner (contingent from 5/13/88).

Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(17)(a) *Training Provider:* Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Richard Black, Phone: (513) 221-5969.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(18)(a) *Training Provider:* Astesco Laboratory, Inc.

Address: P.O. Box 517, Cloverdale, IN 46120, Contact: Donald R. Allen, Phone: (317) 795-4724.

(b) *Approved Courses:*

Abatement Worker (full from 10/31/88).

Abatement Worker Refresher Course (contingent from 2/7/89).

Contractor/Supervisor (contingent from 2/23/89).

Contractor/Supervisor Refresher Course (contingent from 2/23/89).

(19)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Lane, Portage, MI 49002, Contact: Keith Nichols, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Contractor/Supervisor (contingent from 10/1/87).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 1/15/88).

Inspector/Management Planner (full from 2/15/88).

(20)(a) *Training Provider:* Ball State University.

Address: College of Sciences & Humanities, Department of Natural Resources, Muncie, IN 47306, Contact: Thad Godish, Phone: (317) 285-5780.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/30/89).

(21)(a) *Training Provider:* Bems Engineering, Inc.

Address: 18600 Northville Rd., Suite 200, Northville, MI 48167, Contact: Eugene L. Kunz, Phone: (313) 348-9167.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (contingent from 1/4/89).

Project Designer (contingent from 3/2/89).

(22)(a) *Training Provider:* Bierlein Demolition Contractors, Inc.

Address: 2903 South Graham Rd., Saginaw, MI 48608-8078, Contact: Harry T. Dryer, Jr., Phone: (517) 781-1810.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).

Contractor/Supervisor (contingent from 2/7/89).

(23)(a) *Training Provider:* Boelter Associates, Inc.

Address: 8700 W Bryn Mawr Ave., South Tower, Suite 401, Chicago, IL 60631, Contact: Philip Ramos, Phone: (312) 380-1070.

(b) *Approved Course:*

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(24)(a) *Training Provider:* Bowling Green State University Environmental Health Program.

Address: 102 Health Center, Bowling Green, OH 43403-0280, Contact: Gary S. Silverman, Phone: (419) 372-7774.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(25)(a) *Training Provider:* Carnow, Conibear & Associates, Ltd.

Address: 333 West Wacker Dr., Suite 1400, Chicago, IL 60606, Contact: Victoria Musselman, Phone: (312) 782-4486.

(b) *Approved Course:*

Abatement Worker (full from 2/29/88).

(26)(a) *Training Provider:* Centin Corp.

Address: 6601 North Interchange Rd., Evansville, IN 47715, Contact: Dan Sanders, Phone: (812) 474-6220.

(b) *Approved Course:*

Abatement Worker (contingent from 3/30/89).

(27)(a) *Training Provider:* Charles J. Ogg and Associates.

Address: P.O. Box 815, Newburgh, IN 47629-0815, Contact: Charles J. Ogg, Phone: (812) 853-7607.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Contractor/Supervisor (contingent from 5/1/89).

(28)(a) *Training Provider:* Clayton Environmental Consultants, Inc.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Michael Coffman, Phone: (313) 344-1770.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88).

Inspector/Management Planner (full from 2/16/88).

(29)(a) *Training Provider:* Cleveland Environmental Services, Inc.

Address: P.O. Box 14643, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-4143.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Contractor/Supervisor (contingent from 4/21/89).

(30)(a) *Training Provider:* Cleveland Wrecking Co.

Address: 1400 Harrison Ave., P.O. Box 145530, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

(31)(a) *Training Provider:* Columbus Paraprofessional Institute Battelle Columbus Division.

Address: 505 King Ave., Columbus, OH 43201-2693, Contact: John Simpkins, Phone: (614) 424-6424.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/4/88).

Inspector/Management Planner (full from 4/11/88).

Inspector/Management Planner Refresher Course (contingent from 11/30/88).

(32)(a) *Training Provider:* Construction & General Laborers Training Trust Fund.

Address: 400 East Ogden Ave., Westmont, IL 60559, Contact: Anthony Solano, Phone: (312) 323-8999.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 12/1/88).

(33)(a) *Training Provider:* D/E 3. Address: 7471-H Tyler Blvd., Mentor, OH 44060, Contact: Harold N. Danto, Phone: (216) 942-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker Refresher Course (contingent from 1/4/89).

(34)(a) *Training Provider:* Daniel J. Hartwig Associates, Inc.

Address: P.O. Box 31, Oregon, WI 53575-0031, Contact: Alice J. Seeliger, Phone: (608) 835-5781.

(b) *Approved Courses:*

Abatement Worker (full from 10/18/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

Contractor/Supervisor (contingent from 4/11/89).

Contractor/Supervisor Refresher Course (contingent from 4/25/89).

Inspector/Management Planner (contingent from 2/9/88).

Inspector/Management Planner (full from 4/18/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(35)(a) *Training Provider:* Darla Environmental, Inc.

Address: 1220 Richards St., Suite H, Joliet, IL 60433-2758, Contact: Salvador Garcia, Phone: (815) 722-5561.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Contractor/Supervisor (contingent from 10/7/88).

(36)(a) *Training Provider:* DeLisle Associates, Ltd.

Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Mark A. DeLisle, Phone: (616) 385-1018.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).

Abatement Worker (full from 1/23/89).

Contractor/Supervisor (contingent from 10/5/87).

Contractor/Supervisor (full from 10/20/87).

Contractor/Supervisor Refresher Course (contingent from 9/1/88).

Inspector/Management Planner (contingent from 12/22/87).

Inspector/Management Planner (full from 1/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(37)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Pkwy., P.O. Box 146, Bay City, MI 48707, Contact: Joseph Goldring, Phone: (517) 684-8358.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).

Abatement Worker (full from 7/25/88).

Abatement Worker Refresher Course (contingent from 10/31/88).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(38)(a) *Training Provider:* Ecological Services, Inc.

Address: 107 Clay St., Tiffin, OH 44880-0715, Contact: Harish N. Pandhi, Phone: (419) 447-2514.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 3/7/89).

(39)(a) *Training Provider:* Environment Technology of Fort Wayne, Inc.

Address: 9208 Hessen Cassel Rd., Fort Wayne, IN 46816, Contact: Randy C. Aumsbaugh, Phone: (219) 447-3141.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/89).

Abatement Worker Refresher Course (contingent from 4/7/89).

(40)(a) *Training Provider:* Environmental & Occupational Consulting & Training, Inc.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-8099.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).
Abatement Worker Refresher Course (contingent from 3/7/89).

Contractor/Supervisor (contingent from 3/1/89).

Contractor/Supervisor Refresher Course (contingent from 3/7/89).

(41)(a) *Training Provider:*

Environmental Abatement Systems, Inc.
Address: 6416 Ellsworth, Detroit, MI 48238, Contact: Farrell Davis, Phone: (313) 345-3154.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Contractor/Supervisor (contingent from 8/12/88).

(42)(a) *Training Provider:*

Environmental Diversified Services, Inc.
Address: 24356 Sherwood, Center Line, MI 48015-1061, Contact: Michael D. Berg, Phone: (313) 757-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).

Abatement Worker Refresher Course (contingent from 4/14/89).

Contractor/Supervisor (contingent from 3/30/89).

Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(43)(a) *Training Provider:*

Environmental Management Consultants, Inc.
Address: 5201 Middle Mt. Vernon Rd., Evansville, IN 47712, Contact: Barbara S. Kramer, Phone: (812) 424-7768.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Contractor/Supervisor (contingent from 3/9/89).

(44)(a) *Training Provider:*

Environmental Professionals, Inc.
Address: 1405 Newton St., Tallmadge, OH 44278, Contact: Edward C. Bruner, Phone: (216) 633-4435.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/2/88).

Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(45)(a) *Training Provider:*

Environmental Rehab, Inc.
Address: 700 Coronis Cir., Green Bay, WI 54304, Contact: Randy LaCrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 3/29/89).

(46)(a) *Training Provider:*

Environmental Response Systems, Inc.

Address: 5319 Broadway Ave., Cleveland, OH 44127, Contact: Paul J. Stroud, Jr., Phone: (216) 883-1152.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 12/29/88).

(47)(a) *Training Provider:*

Environmental Safety Training Services, Inc.

Address: 902 Mulberry St., Marshall, IL 62441, Contact: Dave Juelich, Phone: (217) 525-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 1/17/89).

(48)(a) *Training Provider:*

Environmental Technologies Co. (Formerly Lee Environmental Services, Inc.).

Address: 2727 Second Ave., Detroit, MI 48201, Contact: David W. McDowell, Phone: (313) 961-4230.

(b) *Approved Course:*

Abatement Worker (contingent from 3/17/89).

(49)(a) *Training Provider:*

Environmental Training Institute.
Address: 4708 Angola Rd., Toledo, OH 43615, Contact: Dale Bruhl, Jr., Phone: (419) 382-9200.

(b) *Approved Course:*

Abatement Worker (contingent from 1/18/89).

(50)(a) *Training Provider:* Escor, Inc.

Address: 540 Frontage Rd., Suite 211, Northfield, IL 60093, Contact: R. Eric Zimmerman, Phone: (312) 501-2190.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 9/15/88).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 8/12/88).

Inspector/Management Planner Refresher Course (contingent from 9/1/88).

(51)(a) *Training Provider:* Foley

Occupational Health Consulting.
Address: 2400 North Reynolds Rd., Toledo, OH 43615, Contact: E.D. Foley, Jr., Phone: (419) 531-7191.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/4/88).

Contractor/Supervisor Refresher Course (contingent from 1/4/89).

(52)(a) *Training Provider:* G & H

Contracting Associates, Ltd.

Address: 300 Acorn St., P.O. Box 49080, Plainwell, MI 49080, Contact: Jeffrey C. Gren, Phone: (616) 885-1606.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (contingent from 4/21/89).

(53)(a) *Training Provider:* Gandee & Associates, Inc.

Address: 4488 Mobile Dr., Columbus, OH 43220, Contact: Kurt Varga, Phone: (614) 459-8338.

(b) *Approved Courses:*

Abatement Worker (full from 1/17/89).

Contractor/Supervisor (contingent from 6/1/88).

Contractor/Supervisor (full from 8/29/88).

Contractor/Supervisor Refresher Course (contingent from 7/26/89).

Inspector/Management Planner (contingent from 3/3/89).

(54)(a) *Training Provider:* Hazard

Management Group, Inc.

Address: P.O. Box 627, Ashtabula, OH 44004, Contact: Gabriel Demshar, Jr., Phone: (216) 992-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Contractor/Supervisor (contingent from 1/4/89).

(55)(a) *Training Provider:* Hazardous

Materials Institute, Inc.

Address: 1550 Old Henderson Road, Suite N-232, Columbus, OH 43222, Contact: Al Wilson, Phone: (614) 459-1105.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Abatement Worker Refresher Course (contingent from 9/15/88).

Contractor/Supervisor (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (contingent from 9/15/88).

Inspector/Management Planner (contingent from 8/3/88).

Inspector/Management Planner Refresher Course (contingent from 9/15/88).

Project Designer (contingent from 10/14/88).

(56)(a) *Training Provider:* Heat & Frost

Insulators & Asbestos Workers Local Union No. 17 Apprentice Training Center.

Address: 3850 South Racine Ave., Chicago, IL 60609, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/2/87).

Abatement Worker (full from 11/8/87).

Abatement Worker Refresher Course (contingent from 10/14/88).

Contractor/Supervisor (contingent from 3/21/88).

Contractor/Supervisor (full from 3/22/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(57)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (full from 11/8/88).

Contractor/Supervisor (full from 11/8/88).

(58)(a) *Training Provider:* I.P.C. of Chicago.

Address: 4309 West Henderson, Chicago, IL 60641, Contact: Robert G. Cooley, Phone: (312) 718-7395.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 8/8/88).

Contractor/Supervisor (contingent from 2/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/7/89).

Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(59)(a) *Training Provider:* Illinois Environmental Institute.

Address: 8425 West 95th St., Hickory Hills, IL 60457, Contact: William T. Giova, Phone: (312) 839-9000.

(b) *Approved Course:*

Abatement Worker (contingent from 3/3/89).

(60)(a) *Training Provider:* Illinois Laborers' & Contractors Training Program.

Address: R.R. 3, Mount Sterling, IL 62353, Contact: Tony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (full from 12/15/85).

Abatement Worker Refresher Course (contingent from 9/1/88).

Contractor/Supervisor (contingent from 2/9/88).

Contractor/Supervisor (full from 3/14/88).

Contractor/Supervisor Refresher Course (contingent from 2/27/89).

(61)(a) *Training Provider:* Ilse Engineering, Inc.

Address: 7177 Arrowhead Rd., Duluth, MN 55811, Contact: John F. Ilse, Phone: (218) 729-6858.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).

Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(62)(a) *Training Provider:* Indiana Laborers Training Trust Fund.

Address: P.O. Box 758, Bedford, IN 47421, Contact: Richard Fassino, Phone: (812) 279-9751.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/87).

Abatement Worker (full from 2/22/88).

Abatement Worker Refresher Course (contingent from 10/7/88).

Contractor/Supervisor (contingent from 6/2/88).

Contractor/Supervisor (full from 8/15/88).

Contractor/Supervisor Refresher Course (contingent from 6/14/89).

(63)(a) *Training Provider:* Indianapolis Center for Advanced Research, Inc.

Address: 611 North Capitol Ave., Indianapolis, IN 46204, Contact: William Beranek, Jr., Phone: (317) 262-5027.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/13/88).

Abatement Worker (full from 1/10/89).

Abatement Worker Refresher Course (contingent from 12/27/88).

Contractor/Supervisor (contingent from 9/15/88).

Contractor/Supervisor (full from 1/10/89).

Contractor/Supervisor Refresher Course (contingent from 12/27/88).

Inspector/Management Planner (contingent from 5/9/88).

Inspector/Management Planner (full from 6/6/88).

Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(64)(a) *Training Provider:* Industrial Environmental Consultants.

Address: 2875 Northwind, Suite 113, East Lansing, MI 48823, Contact: James C. Fox, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/9/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 8/3/88).

Contractor/Supervisor (full from 1/23/89).

Contractor/Supervisor Refresher Course (contingent from 12/5/88).

Inspector/Management Planner (contingent from 3/1/88).

(65)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Bill Sloan, Phone: (612) 427-5310.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).

Contractor/Supervisor (contingent from 8/12/88).

Inspector Refresher Course (contingent from 2/23/89).

(66)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 19.

Address: 9401 West Beloit Rd., No. 209, Milwaukee, WI 53227, Contact: Randall Gottsacker, Phone: (414) 321-2828.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Abatement Worker (full from 5/15/89).

Abatement Worker Refresher Course (contingent from 1/26/89).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(67)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee A. Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/8/88).

Contractor/Supervisor (contingent from 9/1/88).

(68)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers, Local Union No. 127.

Address: 2787 Pamela Dr., Green Bay, WI 54302, Contact: Michael A. Simons, Phone: (414) 468-5973.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

(69)(a) *Training Provider:* JWP

Enterprises, Ltd.

Address: 122 Water St., Baraboo, WI 53913, Contact: Stephen P. Jandrowski, Phone: (608) 356-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/6/89).

Abatement Worker Refresher Course
(contingent from 6/8/89).
Contractor/Supervisor (contingent from
6/8/89).

Contractor/Supervisor Refresher Course
(contingent from 6/8/89).

(70)(a) *Training Provider:* Kemron
Environmental Services, Inc.

Address: 32740 Northwestern Hwy.,
Farmington Hills, MI 48018, Contact:
Sara A. Bassett, Phone: (313) 626-2426.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
2/89).

Contractor/Supervisor (contingent from
5/13/88).

Contractor/Supervisor (full from 2/27/
89).

Contractor/Supervisor Refresher Course
(contingent from 2/7/89).

Inspector/Management Planner
(contingent from 3/25/88).

Inspector/Management Planner
Refresher Course (contingent from 1/
4/89).

(71)(a) *Training Provider:* Lakeland
Contractors, Inc.

Address: 7615-B St. Clair St., Mentor,
OH 44060, Contact: Rex Harris, Phone:
(216) 942-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/
4/89).

Abatement Worker Refresher Course
(contingent from 4/11/89).

(72)(a) *Training Provider:* Lepi
Enterprises, Inc.

Address: 917 Main St., Dresden, OH
43821, Contact: James R. Lepi, Phone:
(614) 754-1162.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/
6/88).

Abatement Worker Refresher Course
(contingent from 4/25/89).

(73)(a) *Training Provider:* Lyle
Training Institute.

Address: 41 South Grant, Columbus, OH
43215, Contact: Andrea D. Hamblin,
Phone: (614) 224-8822.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/
21/88).

Contractor/Supervisor (contingent from
3/7/89).

Inspector/Management Planner
(contingent from 6/30/88).

Inspector/Management Planner
Refresher Course (contingent from 3/
16/89).

(74)(a) *Training Provider:* M.K. Moore
& Sons, Inc.

Address: 5150 Wagoner-Ford Rd.,
Dayton, OH 45414, Contact: Catherine
C. Buchanan, Phone: (513) 236-1812.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
31/89).

Abatement Worker Refresher Course
(contingent from 4/7/89).

Contractor/Supervisor (contingent from
3/31/89).

Contractor/Supervisor Refresher Course
(contingent from 4/7/89).

(75)(a) *Training Provider:* MacNeil
Environmental, Inc.

Address: 799 Roosevelt Rd., Building 6,
Glen Ellyn, IL 60137, Contact: James E.
Viskocil, Phone: (312) 858-2092.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course
(contingent from 7/6/89).

Inspector/Management Planner
Refresher Course (contingent from 7/
6/89).

(76)(a) *Training Provider:* Manage
Right Asbestos Consultants.

Address: 314 West Genesee Ave.,
Saginaw, MI 48602, Contact: Mary
Margaret Brown, Phone: (517) 753-
9290.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
24/89).

Abatement Worker Refresher Course
(contingent from 4/27/89).

Contractor/Supervisor (contingent from
4/7/89).

(77)(a) *Training Provider:* Mark A.
Kriesemint, Ltd.

Address: P.O. Box 06198, Chicago, IL
60606-0198, Contact: Mark Kriesemint,
Phone: (312) 483-0206.

(b) *Approved Course:*

Abatement Worker (contingent from 10/
31/88).

(78)(a) *Training Provider:*
Metropolitan Detroit AFL-CIO Training
Center.

Address: 14333 Prairie, Detroit, MI
48238, Contact: Richard M. King,
Phone: (313) 863-1000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/
12/88).

Contractor/Supervisor (contingent from
8/12/88).

(79)(a) *Training Provider:* Michigan
Laborers Training Institute.

Address: 11155 South Beardslee Rd.,
Perry, MI 48872, Contact: Edwin H.
McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/
9/88).

Abatement Worker (full from 5/2/88).

Abatement Worker Refresher Course
(contingent from 11/14/88).

Contractor/Supervisor (contingent from
4/6/88).

Contractor/Supervisor (full from 5/6/
88).

Contractor/Supervisor Refresher Course
(contingent from 11/14/88).

(80)(a) *Training Provider:* Midwest
Center for Occupational Health &
Safety.

Address: 640 Jackson St., St. Paul, MN
55101, Contact: Ruth K. McIntyre,
Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/
16/88).

Contractor/Supervisor (full from 11/28/
88).

Contractor/Supervisor Refresher Course
(contingent from 12/1/88).

Inspector/Management Planner
(contingent from 5/9/88).

Inspector/Management Planner (full
from 5/23/88).

Inspector/Management Planner
Refresher Course (contingent from 12/
1/88).

(81)(a) *Training Provider:* Midwest
Health Training.

Address: 3920 Central, Western Springs,
IL 60558, Contact: H.C. Brown, Phone:
(312) 246-9527.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/
25/88).

Abatement Worker (full from 4/25/88).

Abatement Worker Refresher Course
(contingent from 9/15/88).

Contractor/Supervisor (contingent from
2/23/89).

(82)(a) *Training Provider:* Milwaukee
Asbestos Information Center.

Address: 2224 South Kinnickinnic Ave.,
Milwaukee, WI 53207, Contact:
Thomas R. Ortell, Phone: (414) 744-
8100.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/
1/88).

Abatement Worker Refresher Course
(contingent from 2/23/89).

Contractor/Supervisor (contingent from
12/1/88).

Contractor/Supervisor Refresher Course
(contingent from 2/23/89).

Inspector/Management Planner
(contingent from 3/2/89).

Inspector/Management Planner
Refresher Course (contingent from 2/
23/89).

(83)(a) *Training Provider:* Moraine
Valley Community College.

Address: 10900 South 88th Ave., Palos
Hills, IL 60465, Contact: Richard
Kukac, Phone: (312) 974-5733.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/
7/89).

Abatement Worker Refresher Course (contingent from 3/16/89).
 Contractor/Supervisor (contingent from 8/12/88).
 Contractor/Supervisor Refresher Course (contingent from 12/6/88).
 Inspector/Management Planner (full from 2/9/88).
 Inspector/Management Planner Refresher Course (contingent from 12/6/88).
 (84)(a) *Training Provider:* National Asbestos Abatement Corp.
 Address: 1198 Robert T. Longway Blvd., Flint, MI 48503, Contact: James S. Sheaffer, Phone: (313) 232-7100.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 2/7/89).
 Abatement Worker (full from 4/18/89).
 (85)(a) *Training Provider:* National Institute for Abatement Education.
 Address: 5501 Williamsburg Way No. 305, Madison, WI 53719, Contact: Dean Leischow, Phone: (608) 271-7281.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 7/15/88).
 Contractor/Supervisor (contingent from 7/15/88).
 (86)(a) *Training Provider:* Northern Safety Consultants, Inc.
 Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher M. Baker, Phone: (906) 228-5161.
 (b) *Approved Courses:*
 Abatement Worker (full from 5/31/88).
 Contractor/Supervisor (full from 5/31/88).
 Contractor/Supervisor Refresher Course (contingent from 10/7/88).
 (87)(a) *Training Provider:* Northland Environmental Services, Inc.
 Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Bob Voborsky, Phone: (715) 341-9699.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 1/18/89).
 Abatement Worker Refresher Course (contingent from 1/18/89).
 Contractor/Supervisor (contingent from 1/18/89).
 Contractor/Supervisor Refresher Course (contingent from 1/18/89).
 (88)(a) *Training Provider:* Nova Environmental Services.
 Address: Suite 420 Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Deborah S. Green, Phone: (612) 448-9393.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 12/24/87).
 Abatement Worker Refresher Course (contingent from 4/13/89).

Contractor/Supervisor (contingent from 9/1/88).
 Contractor/Supervisor Refresher Course (contingent from 4/13/89).
 (89)(a) *Training Provider:* Nova Environmental, Inc.
 Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 5/13/88).
 Abatement Worker (full from 3/27/89).
 Contractor/Supervisor (contingent from 10/7/88).
 Contractor/Supervisor (full from 3/27/89).
 Contractor/Supervisor Refresher Course (contingent from 10/7/88).
 Inspector/Management Planner (contingent from 10/7/88).
 Inspector/Management Planner Refresher Course (contingent from 11/14/88).
 (90)(a) *Training Provider:* Ohio Asbestos Workers Council.
 Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Larry Briley, Phone: (513) 221-5969.
 (b) *Approved Courses:*
 Contractor/Supervisor (contingent from 2/17/88).
 Contractor/Supervisor (full from 5/12/88).
 (91)(a) *Training Provider:* Ohio Laborers Training & Upgrading Trust Fund.
 Address: 25721 Coshocton Rd., P.O. Box 218, Howard, OH 43028, Contact: John L. Railing, Phone: (614) 599-7915.
 (b) *Approved Courses:*
 Abatement Worker (full from 4/11/88).
 Abatement Worker Refresher Course (contingent from 9/1/88).
 Contractor/Supervisor (contingent from 7/27/88).
 Contractor/Supervisor Refresher Course (contingent from 6/6/89).
 (92)(a) *Training Provider:* Olive-Harvey College Skill Center.
 Address: 10001 South Woodlawn Ave., Chicago, IL 60628, Contact: Verondo Tucker, Phone: (312) 660-4841.
 (b) *Approved Course:*
 Abatement Worker (contingent from 3/6/89).
 (93)(a) *Training Provider:* Peoria Public Schools.
 Address: 3202 North Wisconsin Ave., Peoria, IL 61603, Contact: Emil S. Steinseifer, Phone: (309) 672-6512.
 (b) *Approved Course:*
 Abatement Worker Refresher Course (contingent from 11/14/88).
 (94)(a) *Training Provider:* Professional Asbestos Labor Services, Inc.

Address: 1501 Martin Luther King Dr., Gary, IN 46407, Contact: George Bradley, Phone: (219) 883-8541.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 5/18/88).
 Abatement Worker Refresher Course (contingent from 12/5/88).
 (95)(a) *Training Provider:* Professional Service Industries, Inc.
 Address: 510 East 22nd St., Lombard, IL 60148, Contact: W.K. Swartzendruber, Phone: (312) 691-1490.
 (b) *Approved Courses:*
 Inspector Refresher Course (contingent from 4/11/89).
 Inspector/Management Planner (contingent from 12/15/88).
 Inspector/Management Planner (full from 4/27/89).
 (96)(a) *Training Provider:* Randolph & Associates, Inc.
 Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Kirk E. Sweetland, Phone: (309) 692-4422.
 (b) *Approved Courses:*
 Contractor/Supervisor (contingent from 5/30/89).
 Contractor/Supervisor Refresher Course (contingent from 6/9/89).
 (97)(a) *Training Provider:* Rend Lake College.
 Address: Department AAA, Ina, IL 62846, Contact: Fred Bruno, Phone: (618) 437-5321.
 (b) *Approved Course:*
 Abatement Worker (contingent from 3/29/89).
 (98)(a) *Training Provider:* Risk Services, Inc.
 Address: 26384 Ford Rd., Suite 200, Dearborn Heights, MI 48127, Contact: Michael J. Borsuck, Phone: (313) 565-5225.
 (b) *Approved Courses:*
 Abatement Worker (contingent from 4/11/89).
 Abatement Worker Refresher Course (contingent from 4/11/89).
 Contractor/Supervisor (contingent from 4/11/89).
 Contractor/Supervisor Refresher Course (contingent from 4/11/89).
 (99)(a) *Training Provider:* S.Z. Mansdorf & Associates, Inc.
 Address: 2000 Chestnut Blvd., Cuyahoga Falls, OH 44223-1323, Contact: S.Z. Mansdorf, Phone: (216) 928-5434.
 (b) *Approved Courses:*
 Contractor/Supervisor (contingent from 1/15/88).
 Contractor/Supervisor (full from 2/12/88).

Contractor/Supervisor Refresher Course (contingent from 1/19/89).
 Inspector/Management Planner (contingent from 6/24/88).
 Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(100)(a) *Training Provider:* Safer Foundation.

Address: 571 West Jackson Blvd., Chicago, IL 60606, Contact: C. Bentley or P. Bergmann, Phone: (312) 922-2200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker (full from 7/7/89).

(101)(a) *Training Provider:* Safety Training of Illinois.

Address: 1515 South Park, Springfield, IL 62704, Contact: S. David Farris, Phone: (217) 787-9091.

(b) *Approved Courses:*

Abatement Worker (full from 12/18/87).

Abatement Worker Refresher Course (contingent from 11/14/88).

(102)(a) *Training Provider:* Sear Corp.

Address: 8802 Bash St., Suite F, Indianapolis, IN 46256, Contact: Todd M. Strader, Phone: (317) 576-5845.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/3/89).

Abatement Worker (full from 7/7/89).

(103)(a) *Training Provider:* Seneca Asbestos Removal & Control, Inc.

Address: 76 Ashwood Rd., Tiffin, OH 44883, Contact: Roger Bakies, Phone: (419) 447-0202.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(104)(a) *Training Provider:* Sierra Analytical & Consulting Services, Inc.

Address: 307 North First St., Ann Arbor, MI 48103, Contact: David Nelson, Phone: (313) 662-1155.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/17/89).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor (full from 3/13/89).

(105)(a) *Training Provider:* South East Michigan Committee on Occupational Safety and Health (SEMCOSH).

Address: 1550 Howard St., Detroit, MI 48216, Contact: Barbara Boylan, Phone: (313) 961-3345.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/87).

Abatement Worker (full from 4/25/88).

Abatement Worker Refresher Course (contingent from 4/25/89).

(106)(a) *Training Provider:* Testing Engineers & Consultants, Inc.

Address: 1333 Rochester Rd., P.O. Box 249, Troy, MI 48099, Contact: Karl D. Agee, Phone: (313) 588-6200.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 5/9/88).

Inspector/Management Planner (full from 8/22/88).

Inspector/Management Planner Refresher Course (contingent from 3/30/89).

(107)(a) *Training Provider:* The Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank J. Barta, Phone: (312) 298-1200.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 5/1/89).

Abatement Worker Refresher Course (contingent from 6/8/89).

Contractor/Supervisor (contingent from 7/7/89).

(108)(a) *Training Provider:* The Clear Consortium.

Address: 127 North Dearborn St., Chicago, IL 60602, Contact: Lorenzo Higgins, Phone: (312) 368-0211.

(b) *Approved Course:*

Abatement Worker (contingent from 7/18/89).

(109)(a) *Training Provider:* The Environmental Institute.

Address: 314 South State Ave., Indianapolis, IN 46201, Contact: Cindy Witte, Phone: (317) 269-3618.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 12/22/88).

(110)(a) *Training Provider:* Thermico, Inc.

Address: 3405 Centennial Dr., P.O. Box 2151, Midland, MI 48641-2151, Contact: Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Course:*

Abatement Worker (contingent from 4/7/89).

(111)(a) *Training Provider:* Tillotson Consulting & Training, Inc.

Address: 9332 Oakview, Portage, MI 49002, Contact: Michael R. Tillotson, Phone: (616) 323-2124.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Abatement Worker Refresher Course (contingent from 12/11/88).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 12/11/88).

Inspector/Management Planner (contingent from 12/29/88).

Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(112)(a) *Training Provider:* Trust Thermal Systems.

Address: 10445 Wright Rd., Eagle, MI 48822, Contact: Thomas Lowe, Phone: (517) 626-6791.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).

Abatement Worker Refresher Course (contingent from 4/7/89).

Contractor/Supervisor (contingent from 3/30/89).

Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(113)(a) *Training Provider:* University of Cincinnati Medical Center Institute of Environmental Health Kettering Laboratory.

Address: 3223 Eden Ave., ML 056, Cincinnati, OH 45267-0056, Contact: Judy L. Jarrell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).

Abatement Worker (full from 11/15/88).

Abatement Worker Refresher Course (contingent from 7/11/89).

Contractor/Supervisor (full from 10/20/87).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (contingent from 12/1/88).

(114)(a) *Training Provider:* University of Illinois at Chicago M.A.I.C.

Address: 1440 West Washington, Chicago, IL 60607, Contact: John J. Gammuto, Phone: (312) 829-1277.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 12/14/87).

Abatement Worker (contingent from 10/2/87).

Abatement Worker (full from 4/5/88).

Abatement Worker Refresher Course (contingent from 11/14/88).

Contractor/Supervisor (full from 6/1/86).

Contractor/Supervisor Refresher Course (contingent from 1/18/89).

Inspector/Management Planner (contingent from 10/2/87).

Inspector/Management Planner (full from 10/21/87).

Inspector/Management Planner Refresher Course (full from 2/17/89).

(115)(a) *Training Provider:* University of Wisconsin.

Address: 422 Lowell Hall, 610 Langdon St., Madison, WI 53703, Contact: Neil DeClercq, Phone: (608) 262-2111.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).

Abatement Worker Refresher Course (contingent from 12/15/88).

Contractor/Supervisor (contingent from 2/2/88).

Contractor/Supervisor (full from 9/1/88).

Contractor/Supervisor Refresher Course (contingent from 12/15/88).

Inspector/Management Planner (contingent from 2/2/88).

Inspector/Management Planner (full from 2/22/88).

Inspector/Management Planner Refresher Course (contingent from 12/15/88).

Project Designer (contingent from 9/15/88).

Project Designer Refresher Course (contingent from 3/3/89).

(116)(a) *Training Provider:* William E. Fink & Associates.

Address: 3695 Indian Run, Suite 5, Canfield, OH 44406, Contact: William E. Fink, Phone: (216) 533-6299.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 2/13/89).

Abatement Worker Refresher Course (contingent from 8/11/88).

(117)(a) *Training Provider:* Wisconsin Laborers Training Center.

Address: P.O. Box 150, Almond, WI 54909, Contact: Dean Jensen, Phone: (715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/87).

Abatement Worker (full from 11/29/88).

Abatement Worker Refresher Course (contingent from 11/14/88).

Contractor/Supervisor (contingent from 11/21/88).

Contractor/Supervisor (full from 11/29/88).

(118)(a) *Training Provider:* Wonder Makers, Inc.

Address: 3101 Darrow St., Kalamazoo, MI 49008, Contact: Michael A. Pinto, Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/16/89).

Abatement Worker Refresher Course (contingent from 3/9/89).

Contractor/Supervisor (contingent from 3/16/89).

Contractor/Supervisor Refresher Course (contingent from 3/16/89).

Inspector/Management Planner (contingent from 4/21/89).

Inspector/Management Planner Refresher Course (contingent from 4/21/89).

EPA-Approved Training Courses

REGION VI - Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VI training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AAR, Inc.

Address: P.O. Box 742648, Houston, TX 77274-2648, Contact: David S. Barnett, Phone: (713) 777-9205.

(b) *Approved Course:*

Abatement Worker (contingent from 1/26/89).

(2)(a) *Training Provider:* AC & C Systems Corp.

Address: 7801 North Robinson, Oklahoma City, OK 73116, Contact: Turner Stallings, Phone: (405) 842-9672.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).

Contractor/Supervisor (contingent from 10/26/88).

(3)(a) *Training Provider:* AEGIS Associates, Inc.

Address: 4868 Research Dr., San Antonio, TX 78240, Contact: John J. Gokelman, Phone: (512) 641-8320.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/25/89).

Inspector Refresher Course (contingent from 4/4/89).

(4)(a) *Training Provider:* Abateco, Inc.

Address: 10000 Old Katy Rd., Suite 200, Houston, TX 77055, Contact: W.D. Heimbrook, Phone: (713) 461-0692.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).

Abatement Worker Refresher Course (contingent from 3/17/89).

(5)(a) *Training Provider:* American Specialty Contractors, Inc.

Address: 8181 West Darryl Pkwy, Baton Rouge, LA 70896, Contact: Kurt Jones, Phone: (504) 928-9624.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/18/88).

Abatement Worker (full from 5/3/89).

Contractor/Supervisor (contingent from 11/18/88).

Contractor/Supervisor (full from 5/4/89).

(6)(a) *Training Provider:* Analytical Labs Training Center.

Address: 218 Market St., Baird, TX 79504, Contact: Bob Dye, Phone: (915) 854-1264.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/21/89).

Contractor/Supervisor (contingent from 4/21/89).

(7)(a) *Training Provider:* Asbestos Surveys & Training, Inc.

Address: 5959 Centralcrest, Houston, TX 77092, Contact: J.T. Stoneburger, Phone: (713) 681-2639.

(b) *Approved Course:*

Abatement Worker (full from 10/22/87).

(8)(a) *Training Provider:* Carpenters Apprenticeship Training School.

Address: 8505 Glen Vista, Houston, TX 77061, Contact: S.C. Strunk, Jr., Phone: (713) 641-1011.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).

Abatement Worker Refresher Course (contingent from 7/8/88).

(9)(a) *Training Provider:* Certified Asbestos Training Institute, Inc.

Address: 4202 Argentina Cir., Pasadena, TX 77504, Contact: Clyde O. Waters, Phone: (713) 487-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/88).

(10)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Ronald F. Dodson, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (full from 4/14/88).

Abatement Worker Refresher Course (full from 10/27/88).

Contractor/Supervisor (full from 3/7/88).

Contractor/Supervisor Refresher Course (full from 10/27/88).

Inspector/Management Planner (contingent from 3/21/88).

Inspector/Management Planner (full from 4/15/88).

Inspector/Management Planner Refresher Course (full from 10/27/88).

(11)(a) *Training Provider:* Environmental Consultant Service.

Address: P.O. Box 586422, Dallas, TX 75257, Contact: Thomas Armstrong, Phone: (214) 638-3589.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/89).

Contractor/Supervisor (contingent from 4/20/89).

Inspector/Management Planner (contingent from 4/20/89).

(12)(a) *Training Provider:* Environmental Institute.

Address: P.O. Box 270278, Dallas, TX 75227, Contact: E. H. Hurst, Phone: (214) 553-8866.

(b) *Approved Courses:*

Contractor/Supervisor (full from 1/11/88).

Inspector/Management Planner (full from 1/25/88).

(13)(a) *Training Provider:* Environmental Monitoring Service, Inc. (EMS).

Address: 13008 Amarillo Ave., Austin, TX 78729, Contact: Rick Prueff, Phone: (512) 335-9116.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Contractor/Supervisor (contingent from 3/1/88).

Inspector/Management Planner (contingent from 4/19/89).

(14)(a) *Training Provider:* Field Sciences Institute.

Address: P.O. Box 4673, Santa Fe, NM 87502, Contact: Robert L. Edgar, Phone: (505) 988-4143.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/22/88).

Inspector/Management Planner (contingent from 4/22/88).

(15)(a) *Training Provider:* Fort Worth Independent School District.

Address: 3210 West Lancaster, Fort Worth, TX 76107, Contact: H.D. Duncan, Phone: (817) 336-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 7/27/88).

(16)(a) *Training Provider:* GEBCO Associates, Inc.

Address: 1501 Norwood, Suite 142, Hurst, TX 76054-3638, Contact: Ed Kirch, Phone: (817) 268-4006.

(b) *Approved Courses:*

Abatement Worker (interim from 4/15/87 to 8/19/87).

Abatement Worker (full from 8/20/87).

Abatement Worker Refresher Course (contingent from 5/16/88).

Contractor/Supervisor (contingent from 3/15/88).

Contractor/Supervisor Refresher Course (contingent from 7/27/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (contingent from 7/27/88).

(17)(a) *Training Provider:* Gary LaFrance Abatement Workers Training Program.

Address: 4802 Prestwick, Tyler, TX 75703, Contact: Gary G. LaFrance, Phone: (214) 581-8852.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/14/88).

Abatement Worker (full from 4/12/89).

(18)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 22.

Address: 3219 Pasadena Blvd., Pasadena, TX 77503, Contact: Robert M. Chadwick, Phone: (713) 473-0888.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 10/4/87).

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 3/22/88).

Abatement Worker Refresher Course (contingent from 10/5/87).

Contractor/Supervisor (full from 6/27/88).

(19)(a) *Training Provider:* K & T Safety Service, Inc.

Address: 9888 Bissonnett, Houston, TX 77036, Contact: Kevin Clothier, Phone: (713) 988-9021.

(b) *Approved Course:*

Abatement Worker (contingent from 3/28/89).

(20)(a) *Training Provider:* Keers Environmental, Inc.

Address: P.O. Box 6848, Albuquerque, NM 89197, Contact: Robert W. Keers, Phone: (505) 888-9525.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 3/28/89).

(21)(a) *Training Provider:* Kiser Engineering, Inc.

Address: 211 North River St., Seguin, TX 78155, Contact: Nathan Kiser, Phone: (512) 372-2570.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).

Contractor/Supervisor (contingent from 3/29/89).

(22)(a) *Training Provider:* Lafayette Parish School Board Asbestos Training Program.

Address: P.O. Drawer 2158, Lafayette, LA 70502, Contact: Salvador E. Longo, Phone: (504) 887-3740.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/88).

Contractor/Supervisor (contingent from 7/21/88).

(23)(a) *Training Provider:* Lamar University, Hazardous Materials Program.

Address: P.O. Box 10006, Beaumont, TX 77710, Contact: Marion Foster, Phone: (409) 880-2369.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).

Abatement Worker (full from 4/26/89).

Contractor/Supervisor (contingent from 5/20/88).

Contractor/Supervisor Refresher Course (contingent from 10/24/88).

(24)(a) *Training Provider:* Law Engineering.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: Richard MacIntyre, Phone: (713) 939-7161.

(b) *Approved Course:*

Abatement Worker (contingent from 3/14/89).

(25)(a) *Training Provider:* Little-Tex Insulation Co., Inc.

Address: 911 North Frio St., San Antonio, TX 78207, Contact: Dan Juepe, Phone: (512) 222-8094.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/88).

Contractor/Supervisor (contingent from 8/1/88).

(26)(a) *Training Provider:* Louisiana Laborers Union-AGC Training Fund.

Address: P.O. Box 376, Livonia, LA 70755-0376, Contact: Jamie Peers, Phone: (504) 637-2311.

(b) *Approved Course:*

Abatement Worker (contingent from 7/15/88).

(27)(a) *Training Provider:* Louisiana State University Agricultural & Mechanical College.

Address: 361 Pleasant Hall, Baton Rouge, LA 70803-1520, Contact: George Smith, Phone: (504) 388-6621.

(b) *Approved Courses:*

Abatement Worker (full from 1/1/88).

Abatement Worker Refresher Course (contingent from 11/16/88).

Abatement Worker Refresher Course (full from 3/8/89).

Contractor/Supervisor (contingent from 10/6/87).

Contractor/Supervisor (full from 4/7/88).

Contractor/Supervisor Refresher Course (contingent from 11/16/88).

Contractor/Supervisor Refresher Course (full from 3/6/89).

Inspector/Management Planner (full from 1/18/88).

Inspector/Management Planner Refresher Course (full from 3/7/89).

(28)(a) *Training Provider:* MARTECH International, Inc.

Address: P.O. Box 460, Broussard, LA 70518-0460, Contact: Gary Lawley, Phone: (318) 364-3880.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).

Contractor/Supervisor (contingent from 1/17/89).

(29)(a) *Training Provider:* Maxim Engineers, Inc.

Address: 2342 Fabens, Dallas, TX 75229, Contact: Kyle B. Dotson, Phone: (214) 247-7575.

(b) *Approved Course:*

Abatement Worker (contingent from 1/6/89).

(30)(a) *Training Provider:* Meador-Wright & Associates, Inc.

Address: 5520 LBJ Freeway, Suite 204, Dallas, TX 75240, Contact: Paul Teel, Phone: (214) 788-1804.

(b) *Approved Course:*

Inspector (contingent from 7/27/88).

(31)(a) *Training Provider:* Moore-Norman Area Vocational Training School.

Address: 4701-12th Ave., NW, Norman, OK 73069, Contact: Frank Coulter, Phone: (405) 364-5763.

(b) *Approved Courses:*

Abatement Worker (full from 3/3/86).

Abatement Worker Refresher Course (contingent from 5/19/89).

Contractor/Supervisor (full from 3/3/86).

Contractor/Supervisor Refresher Course (contingent from 5/19/89).

Inspector/Management Planner (contingent from 1/25/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 5/19/89).

(32)(a) *Training Provider:* Nelson/Imel, Inc.

Address: 3900 Morrison Cir., Norman, OK 73072, Contact: Deborah Nelson, Phone: (405) 364-3278.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 11/16/88).

(33)(a) *Training Provider:* O'Connor McMahon, Inc.

Address: 1505 Luna Rd., Suite 114, Carrollton, TX 75006, Contact: James M. Walley, Phone: (214) 245-3300.

(b) *Approved Course:*

Abatement Worker (contingent from 7/27/88).

(34)(a) *Training Provider:* Occupational Safety Training Institute.

Address: 9000 West Bellfort, Suite 450, Houston, TX 77031, Contact: Eva Bonilla, Phone: (713) 270-6882.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 12/8/88).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor (full from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 12/8/88).

Inspector/Management Planner (contingent from 9/15/88).

(35)(a) *Training Provider:* Protechnics Environmental Services.

Address: 14760 Memorial Dr., Suite 105, Houston, TX 77079, Contact: Hugh Songster, Phone: (713) 496-9874.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/89).

Contractor/Supervisor (contingent from 8/22/89).

(36)(a) *Training Provider:* R & H Associates, Inc.

Address: P.O. Box 8948, Albuquerque, NM 87198, Contact: Floyd Rubi, Phone: (505) 275-1045.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 1/12/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(37)(a) *Training Provider:* Region 6 Environmental Training.

Address: P.O. Box 180435, Austin, TX 78718-0435, Contact: Rick Orr, Phone: (512) 251-3403.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(38)(a) *Training Provider:* Safety & Health Research Institute.

Address: 500 One Gallery Tower, 13355 Noel Rd., P.O. Box 612245, Dallas, TX 75261, Contact: Ted Davis, Phone: (214) 851-3536.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/12/88).

Contractor/Supervisor (contingent from 9/12/88).

Inspector/Management Planner (contingent from 9/12/88).

(39)(a) *Training Provider:* Southeast Arkansas Education Services Cooperative.

Address: U.A.M. - Willard Hall, P.O. Box 3507, Monticello, AR 71655, Contact: Lloyd Crossley, Phone: (501) 367-6848.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/11/89).

(40)(a) *Training Provider:* Southwest Environmental Institute.

Address: P.O. Box 295, Abilene, TX 79604, Contact: Tom Dye, Phone: (915) 691-0189.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Contractor/Supervisor (contingent from 10/20/88).

(41)(a) *Training Provider:* Texas Engineering Extension Service Building Codes Inspection Training Division.

Address: Texas A & M University System, College Station, TX 77843-8000, Contact: Richard Thompson, Phone: (409) 845-6682.

(b) *Approved Courses:*

Abatement Worker (full from 9/28/87).

Contractor/Supervisor (interim from 5/26/86 to 9/13/87).

Contractor/Supervisor (full from 9/14/87).

Contractor/Supervisor Refresher Course (full from 3/2/89).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (full from 3/1/89).

(42)(a) *Training Provider:* Tulane University, School of Public Health & Tropical Medicine, Dept of Environmental Health Sciences.

Address: 1430 Tulane Ave., New Orleans, LA 70112, Contact: Shau-Wong-Chang, Phone: (504) 588-5374.

(b) Approved Courses:

Contractor/Supervisor (interim from 3/17/87 to 9/14/87).

Contractor/Supervisor (full from 9/15/87).

Inspector/Management Planner (contingent from 5/20/88).

(43)(a) *Training Provider:* U.S. Analytical, Inc.

Address: P.O. Box 801, Abilene, TX 79604, Contact: Keith Davis, Phone: (915) 698-3293.

(b) Approved Courses:

Abatement Worker (contingent from 2/13/89).

Contractor/Supervisor (contingent from 2/13/89).

(44)(a) *Training Provider:* University of Arkansas at Little Rock Biology Dept. Address: 33rd & University, Little Rock, AR 72204, Contact: Phyllis Moore, Phone: (501) 569-3270.

(b) Approved Course:

Inspector/Management Planner (contingent from 4/20/88).

(45)(a) *Training Provider:* University of Arkansas at Little Rock, Labor Education Program.

Address: 2801 South University, Little Rock, AR 72204, Contact: James E. Nickles, Phone: (501) 569-8483.

(b) Approved Courses:

Inspector/Management Planner (contingent from 9/14/88).

Inspector/Management Planner Refresher Course (contingent from 9/12/88).

(46)(a) *Training Provider:* University of Houston/McClelland Management Services, Inc.

Address: Houston, TX 77204-3901, Contact: Patricia Robinson, Phone: (713) 749-7358.

(b) Approved Course:

Contractor/Supervisor (contingent from 5/5/89).

(47)(a) *Training Provider:* University of New Mexico The Environmental Training Center Division of Continuing Education.

Address: 1634 University Blvd. NE, Albuquerque, NM 87131, Contact: Rupert Trujillo, Phone: (505) 277-3751.

(b) Approved Course:

Contractor/Supervisor (contingent from 6/16/85).

(48)(a) *Training Provider:* University of Texas at Arlington Civil Engineering Dept.

Address: Box 19308, Arlington, TX 76019, Contact: Vic Argento, Phone: (817) 273-3694.

(b) Approved Courses:

Contractor/Supervisor (full from 7/14/86).

Contractor/Supervisor Refresher Course (full from 9/26/88).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (full from 9/26/88).

(49)(a) *Training Provider:* Veltmann Engineering.

Address: 2802 Exeter, Midland, TX 79705, Contact: Clyde Veltmann, Phone: (915) 694-1145.

(b) Approved Courses:

Abatement Worker (contingent from 7/27/88).

Contractor/Supervisor (contingent from 7/27/88).

(50)(a) *Training Provider:* Young Insulation Group of Amarillo, Inc.

Address: P.O. Box 5098, Amarillo, TX 79117, Contact: Dennis C. Clayton, Phone: (806) 372-4329.

(b) Approved Courses:

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 7/27/88).

EPA-Approved Training Courses**REGION VII -- Kansas City, KS**

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101, (913) 236-2835, (FTS) 757-2835.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VII training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Abatement Project Training.

Address: P.O. Box 4372, Kansas City, KS 66104, Contact: Virginia Ireton, Phone: (913) 788-3440.

(b) Approved Courses:

Abatement Worker (contingent from 12/15/88).

Abatement Worker (full from 4/27/89).

Abatement Worker Refresher Course (contingent from 3/27/89).

Abatement Worker Refresher Course (full from 4/29/89).

Contractor/Supervisor (contingent from 3/23/89).

Contractor/Supervisor Refresher Course (contingent from 6/21/89).

(2)(a) *Training Provider:* Aerostat Engineering Consultants, Inc.

Address: 2817 Atchison Ave., Lawrence, KS 66046, Contact: Joseph Stimac, Phone: (913) 749-4747.

(b) Approved Courses:

Abatement Worker (full from 5/9/88).

Abatement Worker Refresher Course (contingent from 3/3/89).

Abatement Worker Refresher Course (full from 3/16/89).

Contractor/Supervisor (full from 5/9/88).

Contractor/Supervisor Refresher Course (contingent from 3/3/89).

Contractor/Supervisor Refresher Course (full from 3/17/89).

Inspector/Management Planner (contingent from 3/14/88).

Inspector/Management Planner (full from 1/23/89).

Inspector/Management Planner Refresher Course (contingent from 1/13/89).

Inspector/Management Planner Refresher Course (full from 2/14/89).

(3)(a) *Training Provider:* American Asbestos Training Center, Ltd.

Address: 121 East Grand St., Monticello, IA 52310, Contact: Steve Intlekofer, Phone: (319) 465-5555.

(b) Approved Courses:

Abatement Worker (full from 6/27/88).

Abatement Worker Refresher Course (contingent from 6/23/89).

Abatement Worker Refresher Course (full from 6/26/89).

Contractor/Supervisor (full from 6/27/88).

Contractor/Supervisor Refresher Course (contingent from 6/23/89).

Contractor/Supervisor Refresher Course (full from 6/26/89).

Inspector/Management Planner (contingent from 10/26/88).

Inspector/Management Planner (full from 11/18/88).

(4)(a) *Training Provider:* Asbestos Consulting Testing (ACT).

Address: 14953 West 101st Ter., Lenexa, KS 66215, Contact: Jim Pickel, Phone: (913) 492-1337.

(b) Approved Courses:

Abatement Worker (full from 1/25/88).

Abatement Worker Refresher Course (full from 1/6/89).

Contractor/Supervisor (full from 1/25/88).

Contractor/Supervisor Refresher Course (full from 1/6/89).

(5)(a) *Training Provider:* CHART Services, Ltd.

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

(b) Approved Courses:

Abatement Worker (full from 11/17/87).

Abatement Worker Refresher Course (full from 10/17/88).

Contractor/Supervisor (full from 11/17/87).

Contractor/Supervisor Refresher Course (full from 10/17/88).

Inspector/Management Planner (full from 2/22/88).

Inspector/Management Planner Refresher Course (full from 11/28/88).

(6)(a) *Training Provider:* Construction Industry Laborers Training Institute for Eastern Missouri.

Address: Route 1, Box 79 H, High Hill, MO 63350, Contact: Jerald A. Pelker, Phone: (314) 585-2391.

(b) *Approved Courses:*

Abatement Worker (full from 1/19/88).

Abatement Worker Refresher Course (contingent from 5/24/89).

Abatement Worker Refresher Course (full from 5/31/89).

(7)(a) *Training Provider:* Construction Laborers Building Corp.

Address: Box 34549, Omaha, NE 68134, Contact: Jack Budd, Phone: (402) 572-0826.

(b) *Approved Course:*

Abatement Worker (full from 11/2/87).

(8)(a) *Training Provider:* Educational Innovations.

Address: Route 1, Box 79A, Leeton, MO 64761, Contact: JoAnn Onwiler, Phone: (816) 653-4371.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).

Abatement Worker (full from 5/2/89).

Abatement Worker Refresher Course (contingent from 3/29/89).

Contractor/Supervisor (contingent from 4/11/89).

Contractor/Supervisor (full from 5/2/89).

Contractor/Supervisor Refresher Course (contingent from 3/29/89).

Project Designer Refresher Course (contingent from 6/21/89).

(9)(a) *Training Provider:* Enviro-Impact Inspections, Inc.

Address: 1515 North Warson, Suite 213, St. Louis, MO 63132, Contact: Denis Boles, Phone: (314) 426-0087.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Contractor/Supervisor (contingent from 3/8/88).

(10)(a) *Training Provider:* Environmental Salvage, Ltd.

Address: 25 South 15th St., Suite 6A, Council Bluffs, IA 51501, Contact: Tracey Coates, Phone: (712) 323-1836.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker (full from 2/16/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor (full from 2/16/89).

Contractor/Supervisor Refresher Course (contingent from 6/22/89).

(11)(a) *Training Provider:* Environmental Technology, Inc.

Address: 4315 Merriam Dr., Overland Park, KS 66203, Contact: Mike Franano, Phone: (913) 236-5040.

(b) *Approved Courses:*

Abatement Worker (full from 2/29/89).

Abatement Worker Refresher Course (contingent from 4/26/89).

(12)(a) *Training Provider:* Flint Hills Area Vocational-Technical School.

Address: 3301 West 18th Ave., Emporia, KS 66801, Contact: Jim Krueger, Phone: (316) 342-6404.

(b) *Approved Course:*

Abatement Worker (full from 3/7/88).

(13)(a) *Training Provider:* General Services Administration (GSA) Safety and Environmental Management Div.

Address: 1500 East Bannister Rd., Kansas City, MO 64131-3088, Contact: Sharon Kersey, Phone: (816) 926-5318.

(b) *Approved Courses:*

Inspector/Management Planner (full from 5/18/88).

Inspector/Management Planner Refresher Course (contingent from 7/18/89).

(14)(a) *Training Provider:* Greater Kansas City Laborers Training Trust Fund.

Address: 8944 Kaw Dr., Kansas City, KS 66111, Contact: James D. Barnett, Phone: (913) 441-6100.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).

Abatement Worker Refresher Course (contingent from 6/19/89).

Contractor/Supervisor (full from 5/2/88).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

(15)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 637-0129.

(b) *Approved Courses:*

Abatement Worker (full from 8/17/87).

Abatement Worker Refresher Course (contingent from 9/19/88).

Abatement Worker Refresher Course (full from 10/19/88).

Contractor/Supervisor (full from 8/17/87).

Contractor/Supervisor Refresher Course (contingent from 9/19/88).

Contractor/Supervisor Refresher Course (full from 10/20/88).

Inspector/Management Planner (full from 8/17/87).

Inspector/Management Planner Refresher Course (full from 9/19/88).

Project Designer (full from 8/17/87).

Project Designer Refresher Course (contingent from 9/19/88).

Project Designer Refresher Course (full from 12/20/88).

(16)(a) *Training Provider:* Hazard Control Training Enterprises, Inc.

Address: P.O. Box 20594, Wichita, KS 67208, Contact: Karen Alexander, Phone: (316) 778-1153.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/88).

Contractor/Supervisor (contingent from 10/19/88).

(17)(a) *Training Provider:* Hazardous Materials Training & Research Institute.

Address: 308 West River Dr., Davenport, IA 52801-1221, Contact: Kirk Birkdoll, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).

Abatement Worker (full from 4/13/89).

Contractor/Supervisor (contingent from 6/8/89).

(18)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Rural Route 2, Wahoo, NE 68066, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (full from 6/28/88).

Abatement Worker Refresher Course (contingent from 4/4/89).

Abatement Worker Refresher Course (full from 4/24/89).

Contractor/Supervisor (full from 6/28/88).

Contractor/Supervisor Refresher Course (contingent from 4/4/89).

Contractor/Supervisor Refresher Course (full from 4/24/89).

(19)(a) *Training Provider:*

International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 1.

Address: 3325 Hollenberg Dr., St. Louis, MO 63044, Contact: James Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (full from 6/6/88).

Abatement Worker Refresher Course (contingent from 6/30/89).

Abatement Worker Refresher Course (full from 6/30/89).

Contractor/Supervisor (contingent from 9/16/88).

Contractor/Supervisor (full from 9/16/88).

(20)(a) *Training Provider:* Iowa Dept. of Education.

Address: Grimes State Office Bldg., Des Moines, IA 50319, Contact: C. Milt Wilson, Phone: (515) 281-4743.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/4/88).

(21)(a) *Training Provider:* Iowa Laborers District Council Training Fund. Address: 5806 Meredith Dr., Des Moines, IA 50322, Contact: Jack G. Jones, Phone: (515) 270-6965.

(b) *Approved Courses:*

Abatement Worker (full from 2/22/88). Contractor/Supervisor (contingent from 10/14/88).

(22)(a) *Training Provider:* Kansas Construction Laborers' Training Trust Fund.

Address: 2430 Marlatt Ave., Manhattan, KS 66502, Contact: Fred Tipton, Phone: (913) 539-7902.

(b) *Approved Courses:*

Abatement Worker (full from 1/5/88). Abatement Worker Refresher Course (contingent from 6/19/89).

Contractor/Supervisor (full from 5/2/88).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

(23)(a) *Training Provider:* Living Word College.

Address: 2750 McKelvey Rd., St. Louis, MO 63043, Contact: Donald C. Femmer, Phone: (314) 291-2749.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88 to 5/6/88 only).

(24)(a) *Training Provider:* Maple Woods Community College.

Address: 10771 Ambassador Dr., Kansas City, MO 64153, Contact: James C. Lauer, Phone: (816) 891-6500.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88). Abatement Worker Refresher Course (full from 1/13/89).

Contractor/Supervisor (full from 3/28/88).

Contractor/Supervisor Refresher Course (full from 1/13/89).

Inspector/Management Planner (contingent from 4/20/88).

Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 7/27/89).

(25)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc., (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew/Betty Fenstermaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 10/20/87).

Abatement Worker Refresher Course (full from 11/14/88).

Contractor/Supervisor (contingent from 10/5/87).

Contractor/Supervisor (full from 10/20/87).

Contractor/Supervisor Refresher Course (full from 11/14/88).

Inspector/Management Planner (full from 8/8/88).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(26)(a) *Training Provider:* Midwest Environmental Testing & Training, Inc.

Address: 635 Southwest 2nd St., Box 1029, Lee's Summit, MO 64063, Contact: Steve Minshall, Phone: (816) 525-6681.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88).

Abatement Worker Refresher Course (contingent from 4/28/89).

Contractor/Supervisor (full from 5/9/88).

Contractor/Supervisor Refresher Course (contingent from 4/28/89).

(27)(a) *Training Provider:* Miton, Inc.

Address: P.O. Box 1582, Branson, MO 65616, Contact: Tony Williams, Phone: (417) 335-6743.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).

Abatement Worker (full from 5/15/89).

Contractor/Supervisor (contingent from 4/14/89).

Contractor/Supervisor (full from 5/15/89).

Inspector/Management Planner (full from 3/14/88).

Inspector/Management Planner Refresher Course (contingent from 3/30/89).

Inspector/Management Planner Refresher Course (full from 4/3/89).

(28)(a) *Training Provider:* National Asbestos Training Center University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).

Abatement Worker Refresher Course (contingent from 10/5/88).

Contractor/Supervisor (interim from 6/1/85 to 7/26/87).

Contractor/Supervisor (full from 7/27/87).

Contractor/Supervisor Refresher Course (contingent from 10/5/88).

Contractor/Supervisor Refresher Course (full from 1/25/89).

Inspector/Management Planner (full from 10/26/87).

Inspector/Management Planner Refresher Course (contingent from 10/5/88).

Inspector/Management Planner Refresher Course (full from 1/25/89).

(29)(a) *Training Provider:* PSH, Inc. Address: 410 Mansion House Center, St. Louis, MO 63102, Contact: Carol E. Hoag, Phone: (314) 275-7733.

(b) *Approved Courses:*

Abatement Worker (full from 11/28/88). Contractor/Supervisor (full from 11/28/88).

Inspector/Management Planner (full from 6/23/88).

Inspector/Management Planner Refresher Course (contingent from 1/19/89).

Inspector/Management Planner Refresher Course (full from 3/2/89).

(30)(a) *Training Provider:* Performance Abatement Services, Inc. Address: 14801 West 99th St., P.O. Box 19328, Lenexa, KS 66215, Contact: Robert Bornkessel, Phone: (913) 888-2423.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 7/6/89).

(31)(a) *Training Provider:* Roth Asbestos Consultants, Inc.

Address: 1900 West 47th Pl., Westwood, KS 66205, Contact: Donald J. Welsh, Phone: (913) 831-4795.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker (full from 3/13/89).

Abatement Worker Refresher Course (contingent from 6/15/89).

Contractor/Supervisor (contingent from 5/16/89).

Contractor/Supervisor Refresher Course (contingent from 7/18/89).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 1/23/89).

(32)(a) *Training Provider:* Ryckmans Emergency Action Consulting Team (REACT).

Address: 2208 Welsch Industrial Ct., St. Louis, MO 63146, Contact: D. W. Ryckman, Phone: (314) 569-0991.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).

Abatement Worker Refresher Course (contingent from 4/26/89).

Contractor/Supervisor (full from 7/26/88).

Contractor/Supervisor Refresher Course (contingent from 4/26/89).

EPA-Approved Training Courses

REGION VIII - Denver, CO

Regional Asbestos Coordinator: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1744, (FTS) 564-1744.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VIII training courses and contact points for each, are as follows.

(1)(a) Training Provider: Acme Asbestos Removal.

Address: 9101 Pearl St., Thornton, CO 80229, Contact: Eugene Aragan, Phone: (303) 450-5026.

(b) Approved Courses:

Abatement Worker (contingent from 7/26/89).

Abatement Worker Refresher Course (contingent from 5/31/89).

(2)(a) Training Provider: Asbestos Training & Supply.

Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) Approved Course:

Abatement Worker (contingent from 5/2/89).

(3)(a) Training Provider: Chen-Northern, Inc.

Address: 800 South 25th St., P.O. Box 30615, Billings, MT 59107, Contact: Kathleen A. Smit, Phone: (406) 248-9181.

(b) Approved Courses:

Abatement Worker (contingent from 10/1/87).

Abatement Worker (full from 12/6/87).

Abatement Worker Refresher Course (contingent from 2/16/89).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(4)(a) Training Provider: Colorado Carpenters Statewide Joint Apprenticeship Educational & Training Committee.

Address: 4290 Holly St., Denver, CO 80216, Contact: Stephen L. Sanford, Phone: (303) 393-6060.

(b) Approved Courses:

Abatement Worker (contingent from 12/1/88).

Abatement Worker (full from 12/19/88).

(5)(a) Training Provider: Colorado Laborers' & Contractors' Education & Training Fund.

Address: 10505 Havana, Brighton, CO 80601, Contact: James Zancanaro, Phone: (303) 287-3116.

(b) Approved Courses:

Abatement Worker (contingent from 2/16/89).

Abatement Worker (full from 2/16/89).

(6)(a) Training Provider: Colorado State University Dept. of Industrial Sciences, Office of Research, Development & Training.

Address: Fort Collins, CO 80523, Contact: Birgit Wolff, Phone: (303) 491-1551.

(b) Approved Courses:

Abatement Worker (contingent from 8/23/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

Inspector/Management Planner (contingent from 3/14/88).

Inspector/Management Planner (full from 5/23/88).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(7)(a) Training Provider: Colorado Training Institute.

Address: 1210 East Colfax, Suite 306, Denver, CO 80218, Contact: Mike Schluterbusch, Phone: (303) 860-0574.

(b) Approved Courses:

Abatement Worker (contingent from 10/31/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(8)(a) Training Provider: Energy Insulation, Inc. (EII).

Address: P.O. Box 1996, Casper, WY 82602, Contact: David K. Fox, Phone: (307) 473-1247.

(b) Approved Courses:

Abatement Worker (contingent from 5/18/88).

Abatement Worker (full from 6/22/88).

(9)(a) Training Provider: Envir-o-tech.

Address: 300 Moore Ln., Billings, MT 59102, Contact: Leonard Cranford, Phone: (800) 225-4899.

(b) Approved Course:

Abatement Worker (full from 7/6/88).

(10)(a) Training Provider: Front Range Community College.

Address: 3645 West 112 Ave., Westminster, CO 80030, Contact: Gwen Burton, Phone: (303) 466-8811.

(b) Approved Courses:

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(11)(a) Training Provider: HWS Technologies, Inc.

Address: 9101 East Kenyon Ave., Suite 1600, Denver, CO 80237, Contact: William C. Oleskevich, Phone: (303) 771-6868.

(b) Approved Courses:

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Abatement Worker Refresher Course (full from 6/29/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Contractor/Supervisor Refresher Course (full from 6/29/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (full from 6/29/89).

(12)(a) Training Provider: Hager Laboratories, Inc.

Address: 11234 East Caley Ave., Unit A, Englewood, CO 80111, Contact: Charles Metzger, Phone: (303) 790-2727.

(b) Approved Courses:

Abatement Worker (full from 3/28/88).

Abatement Worker Refresher Course (contingent from 10/7/88).

Abatement Worker Refresher Course (full from 4/26/89).

Contractor/Supervisor (full from 3/28/88).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

- Contractor/Supervisor Refresher Course (full from 1/25/89).
- Inspector/Management Planner (contingent from 4/20/88).
- Inspector/Management Planner (full from 5/2/88).
- Inspector/Management Planner Refresher Course (contingent from 10/7/88).
- Inspector/Management Planner Refresher Course (full from 4/26/89).
- (13)(a) *Training Provider:* Industrial Health, Inc. (IHI).
Address: 640 East Wilmington Ave., Salt Lake City, UT 84106, Contact: Donald E. Marano, Phone: (801) 466-2223.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 1/4/89).
- Contractor/Supervisor (contingent from 4/22/88).
- Contractor/Supervisor Refresher Course (contingent from 4/24/89).
- Inspector/Management Planner (contingent from 2/28/89).
- Inspector/Management Planner (full from 4/17/89).
- Inspector/Management Planner Refresher Course (contingent from 12/29/88).
- Inspector/Management Planner Refresher Course (full from 1/6/89).
- Project Designer Refresher Course (contingent from 4/24/89).
- (14)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 28.
Address: 360 Acoma St., Suite 216, Denver, CO 80223, Contact: Chet Graham, Phone: (303) 778-8602.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 2/28/89).
- Abatement Worker (full from 4/28/89).
- (15)(a) *Training Provider:* Major Safety, Inc.
Address: 1510 Ayr St., Suite 200, Lakewood, CO 80215, Contact: Tom Major, Phone: (303) 424-7874.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 1/28/88).
- Abatement Worker (full from 9/15/88).
- Abatement Worker Refresher Course (contingent from 1/18/89).
- Contractor/Supervisor (contingent from 1/20/89).
- Contractor/Supervisor (full from 9/12/89).
- Contractor/Supervisor Refresher Course (contingent from 1/18/89).
- Inspector/Management Planner (contingent from 1/2/88).
- Inspector/Management Planner (full from 3/27/89).
- Inspector/Management Planner Refresher Course (contingent from 1/18/89).
- Project Designer (contingent from 1/28/88).
- Project Designer Refresher Course (contingent from 1/18/89).
- (16)(a) *Training Provider:* Midwest Asbestos Consultants, Inc. (MAC).
Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 8/11/88).
- Abatement Worker (full from 5/23/89).
- (17)(a) *Training Provider:* Misers Inspection & Training, Inc.
Address: 1600 South Cherokee St., Denver, CO 80223, Contact: Michael E. DiRito, Phone: (303) 761-8860.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 6/17/88).
- Abatement Worker (full from 7/5/88).
- Abatement Worker Refresher Course (contingent from 11/14/88).
- Abatement Worker Refresher Course (full from 1/27/89).
- Contractor/Supervisor (contingent from 6/17/88).
- Contractor/Supervisor (full from 7/5/88).
- Contractor/Supervisor Refresher Course (contingent from 11/14/88).
- Contractor/Supervisor Refresher Course (full from 1/27/89).
- (18)(a) *Training Provider:* NATEC International, Inc.
Address: 2761 West Oxford Ave., No. 7, Englewood, CO 80110, Contact: Ron Sandlin, Phone: (303) 781-0422.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 4/15/88).
- Inspector/Management Planner (contingent from 6/2/89).
- (19)(a) *Training Provider:* National Education Program for Asbestos (NEPA).
Address: 2863 West 8750 S, West Jordan, UT 84088, Contact: Mark A. Kirk, Phone: (801) 565-1400.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 3/6/89).
- Contractor/Supervisor (contingent from 3/6/89).
- (20)(a) *Training Provider:* Power Masters, Inc.
Address: 13205 South State St., Draper, UT 84020, Contact: Debora Bastian, Phone: (801) 571-9321.
- (b) *Approved Course:*
- Abatement Worker (contingent from 6/13/88).
- (21)(a) *Training Provider:* Precision Safety & Services, Inc.
Address: 1245 Windemaker Ln., Colorado Springs, CO 80907, Contact: James R. Maples, Jr., Phone: (719) 593-8596.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 8/11/88).
- Abatement Worker (full from 11/2/88).
- (22)(a) *Training Provider:* R.S. Christiansen Asbestos Consultant.
Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: R.S. Christiansen, Phone: (801) 277-2323.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 7/29/88).
- Abatement Worker (full from 12/7/88).
- (23)(a) *Training Provider:* South Dakota State University College of Engineering.
Address: Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4101.
- (b) *Approved Courses:*
- Contractor/Supervisor (contingent from 5/18/88).
- Inspector/Management Planner (contingent from 5/18/88).
- (24)(a) *Training Provider:* Survey Management & Design (SMD).
Address: RR 2, Box 85-B, Fargo, ND 58102, Contact: David A. Sohm, Phone: (701) 234-9556.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 3/2/89).
- Contractor/Supervisor (contingent from 3/2/89).
- Contractor/Supervisor (full from 5/2/89).
- (25)(a) *Training Provider:* University of Utah, Rocky Mountain Center for Occupational & Environmental Health.
Address: Dept. of Family & Preventive Medicine, Building 512, Salt Lake City, UT 84112, Contact: Jeffery S. Lee, Phone: (801) 581-8719.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 9/27/88).
- Contractor/Supervisor (contingent from 6/1/87).
- Contractor/Supervisor (full from 6/1/87).
- Contractor/Supervisor Refresher Course (contingent from 6/7/88).
- Contractor/Supervisor Refresher Course (full from 11/13/88).
- Inspector/Management Planner (contingent from 12/23/87).
- Inspector/Management Planner (full from 2/8/88).

Inspector/Management Planner
Refresher Course (contingent from 12/
9/88).

Inspector/Management Planner
Refresher Course (full from 12/14/88).

EPA-Approved Training Courses

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo
Ann Semones, (A-4-2), EPA, Region IX,
215 Fremont St., San Francisco, CA
94105. (415) 974-7290, (FTS) 454-7290.

List of Asbestos Courses: The
following training courses have been
approved by EPA. The courses are listed
under (b). This approval is subject to the
level of certification indicated after the
course name. Training Providers are
listed in alphabetical order and do not
reflect a prioritization. Approvals for
Region IX training courses and contact
points for each, are as follows:

(1)(a) Training Provider: Asbestos
C.T.I.

Address: P.O. Box 228, Mokelumne Hill,
CA 95245, Contact: Lee Hess, Phone:
(209) 286-1249.

(b) Approved Courses:

Contractor/Supervisor (contingent from
10/31/88).

Inspector (contingent from 3/21/89).

(2)(a) Training Provider: Asbestos
Workers Abatement Training Program
of Southern California.

Address: 1669 East Lincoln Ave.,
Orange, CA 92655-1929, Contact:
James Riley, Phone: (714) 921-8110.

(b) Approved Courses:

Abatement Worker (contingent from 5/
27/88).

Contractor/Supervisor (contingent from
1/26/89).

(3)(a) Training Provider: Carpenters
No. 46 Northern California Counties
J.A.T.C. & T.B.

Address: 2350 Santa Rita Rd.,
Pleasanton, CA 94566-4190, Contact:
Hugh Johnson, Phone: (415) 462-9640.

(b) Approved Course:

Contractor/Supervisor (contingent from
12/1/88).

(4)(a) Training Provider: Center for
Accelerated Learning.

Address: 400 Buck Ave., Suite G,
Vacaville, CA 95688, Contact: David
Esparza, Phone: (707) 446-7996.

(b) Approved Courses:

Abatement Worker (contingent from 6/
1/88).

Abatement Worker Refresher Course
(contingent from 12/15/88).

Contractor/Supervisor (contingent from
6/1/88).

Contractor/Supervisor Refresher Course
(contingent from 12/15/88).

Inspector/Management Planner
(contingent from 6/30/88).

(5)(a) Training Provider: DWC
Consulting Co., Inc.

Address: 1250 Pine St., Suite 307, Walnut
Creek, CA 94596, Contact: Dan
Weathers, Phone: (415) 933-9066.

(b) Approved Courses:

Abatement Worker (contingent from 4/
3/89).

Contractor/Supervisor (contingent from
4/3/89).

Inspector/Management Planner
(contingent from 4/3/89).

(6)(a) Training Provider: Dan Napier &
Associates.

Address: 15342 Hawthorne Blvd., Suite
207, P.O. Box 1540, Lawndale, CA
90260-6440, Contact: Dan Napier,
Phone: (213) 644-1924.

(b) Approved Courses:

Abatement Worker (contingent from 1/
18/88).

Abatement Worker Refresher Course
(contingent from 1/18/89).

Contractor/Supervisor (contingent from
3/27/89).

Contractor/Supervisor Refresher Course
(contingent from 1/18/89).

Inspector/Management Planner
(contingent from 4/3/89).

Inspector/Management Planner
Refresher Course (contingent from 3/
30/89).

Project Designer Refresher Course
(contingent from 3/30/89).

(7)(a) Training Provider: Diagnostic
Engineering, Inc.

Address: 50 East Foothill Blvd., Arcadia,
CA 91006, Contact: Alan M. Lamson,
Phone: (818) 447-5216.

(b) Approved Courses:

Abatement Worker (contingent from 10/
27/88).

Contractor/Supervisor (contingent from
6/27/88).

Inspector/Management Planner
(contingent from 6/27/88).

Inspector/Management Planner
Refresher Course (contingent from 4/
18/89).

Project Designer (contingent from 12/1/
88).

(8)(a) Training Provider: EnviroMD,
Inc.

Address: 3443 East Fort Lowell Rd.,
Tucson, AZ 85716, Contact: Rose
Rubio, Phone: (602) 881-1000.

(b) Approved Courses:

Contractor/Supervisor (contingent from
1/17/89).

Inspector/Management Planner
(contingent from 11/14/88).

(9)(a) Training Provider:
Environmental Control Industries.

Address: 5720 Shattuck Ave., Oakland,
CA 94609, Contact: Richard
McClothlin, Phone: (415) 655-5855.

(b) Approved Course:

Abatement Worker (contingent from 12/
1/88).

(10)(a) Training Provider:
Environmental Sciences, Inc.

Address: 105 E. Speedway, Tucson, AZ
85705, Contact: Dale Keyes, Phone:
(602) 792-0097.

(b) Approved Courses:

Inspector/Management Planner
(contingent from 9/29/87).

Inspector/Management Planner (full
from 10/5/87).

Inspector/Management Planner
Refresher Course (contingent from 11/
14/88).

(11)(a) Training Provider: Excel
Environmental, Inc.

Address: 739 Allston Way, Berkeley, CA
94710, Contact: Otis Wong, Phone:
(415) 548-4300.

(b) Approved Courses:

Abatement Worker (contingent from 12/
28/87).

Abatement Worker Refresher Course
(contingent from 12/1/88).

Contractor/Supervisor (contingent from
6/3/88).

Contractor/Supervisor Refresher Course
(contingent from 12/1/88).

(12)(a) Training Provider: Hawaii
Laborers Training School.

Address: P.O. Box 457, Aiea, HI 96701,
Contact: Norman Jimeno, Phone: (808)
488-6161.

(b) Approved Course:

Abatement Worker (contingent from 5/
27/88).

(13)(a) Training Provider: Insulators &
Asbestos Industry of Northern
California & Local Union No. 16
Asbestos Training Fund.

Address: 2633 Clement Ave., Building 31,
Room 112, Alameda, CA 94501,
Contact: Hans D. Siebert, Phone: (415)
865-2292.

(b) Approved Course:

Abatement Worker (contingent from 5/
27/88).

(14)(a) Training Provider:
International Technology Corp.

Address: 336 West Anaheim St.,
Wilmington, CA 90748, Contact: Keith
Soebe, Phone: (213) 830-1781.

(b) Approved Courses:

Abatement Worker (contingent from 12/
24/87).

Abatement Worker Refresher Course
(contingent from 3/29/89).

- Contractor/Supervisor (contingent from 4/15/88).
- Contractor/Supervisor Refresher Course (contingent from 3/29/89).
- (15)(a) *Training Provider:* KELCO Training Institute.
- Address: 44814 Osgood Rd., Fremont, CA 94539, Contact: Charles W. Kellogg, Phone: (415) 659-9751.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 6/1/88).
- Contractor/Supervisor (contingent from 7/20/88).
- Contractor/Supervisor Refresher Course (contingent from 10/31/88).
- Inspector/Management Planner (contingent from 3/21/89).
- Inspector/Management Planner Refresher Course (contingent from 3/16/89).
- (16)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Northern California.
- Address: 21321 San Ramon Valley Blvd., San Ramon, CA 94583, Contact: Monte R. Strother, Phone: (415) 828-2513.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 6/13/88).
- Abatement Worker Refresher Course (contingent from 12/15/88).
- (17)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Southern California.
- Address: P.O. Box 76, Anza, CA 92306, Contact: Mary Lacy, Phone: (714) 763-4341.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 6/30/88).
- Abatement Worker Refresher Course (contingent from 12/15/88).
- (18)(a) *Training Provider:* Lehr Training Institute.
- Address: 1431 Warner Ave., Tustin, CA 92680, Contact: Susan Patnode, Phone: (714) 259-1575.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 2/16/88).
- Abatement Worker Refresher Course (contingent from 2/21/89).
- Contractor/Supervisor (contingent from 2/16/88).
- Contractor/Supervisor Refresher Course (contingent from 2/21/89).
- Inspector/Management Planner (contingent from 10/31/88).
- Inspector/Management Planner Refresher Course (contingent from 2/21/89).
- (19)(a) *Training Provider:* National Abatement Technology Employment Center (NATEC).
- Address: 11552 Knott St., Suite 8, Garden Grove, CA 92643, Contact: Ronald Sandlin, Phone: (714) 894-7577.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 12/30/87).
- Abatement Worker Refresher Course (contingent from 11/14/88).
- Contractor/Supervisor (contingent from 12/30/87).
- Contractor/Supervisor Refresher Course (contingent from 11/14/88).
- (20)(a) *Training Provider:* National Institute for Asbestos & Hazardous Waste Training.
- Address: 1019 West Manchester Blvd., Inglewood, CA 90301, Contact: Jim McFarland, Phone: (213) 645-4516.
- (b) *Approved Courses:*
- Abatement Worker (full from 12/7/87).
- Abatement Worker Refresher Course (contingent from 10/19/88).
- Contractor/Supervisor (full from 12/7/87).
- Contractor/Supervisor Refresher Course (contingent from 10/19/88).
- Inspector/Management Planner (contingent from 6/30/88).
- Inspector/Management Planner Refresher Course (contingent from 11/14/88).
- (21)(a) *Training Provider:* Naval Civil Engineering Laboratory.
- Address: Port Hueneme, CA 93043-5003, Contact: Susan C. Tianen, Phone: (805) 982-5409.
- (b) *Approved Course:*
- Inspector (contingent from 4/6/89).
- (22)(a) *Training Provider:* Occupational Training Institute, Inc.
- Address: 5 Civic Center, Suite 225, Newport Beach, CA 92660, Contact: David K. Hardman, Phone: (714) 721-9578.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 2/21/89).
- Abatement Worker Refresher Course (contingent from 2/21/89).
- Contractor/Supervisor (contingent from 2/21/89).
- Contractor/Supervisor Refresher Course (contingent from 2/21/89).
- Inspector/Management Planner (contingent from 2/21/89).
- Inspector/Management Planner Refresher Course (contingent from 2/21/89).
- (23)(a) *Training Provider:* Pacific Asbestos Information Center U.C. Extension.
- Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Debra Dobbin, Phone: (415) 643-7143.
- (b) *Approved Courses:*
- Contractor/Supervisor (full from 2/2/87).
- Contractor/Supervisor Refresher Course (contingent from 10/19/88).
- Inspector/Management Planner (full from 11/16/87).
- Inspector/Management Planner Refresher Course (contingent from 10/19/88).
- (24)(a) *Training Provider:* Salem Kroeger, Inc.
- Address: 106 Church St., Roseville, CA 95678, Contact: Owen C. Tilley, Phone: (916) 784-7222.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 3/30/89).
- Abatement Worker Refresher Course (contingent from 4/3/89).
- Contractor/Supervisor (contingent from 3/30/89).
- Contractor/Supervisor Refresher Course (contingent from 4/3/89).
- Inspector Refresher Course (contingent from 4/3/89).
- (25)(a) *Training Provider:* San Diego County Construction Laborers Training & Retraining Trust.
- Address: 4161 Home Ave., Second Fl., San Diego, CA 92105, Contact: Bob White, Phone: (619) 263-6941.
- (b) *Approved Course:*
- Abatement Worker (contingent from 3/21/89).
- (26)(a) *Training Provider:* San Diego County District Council of Carpenters.
- Address: 4665 Mercury St., San Diego, CA 92111, Contact: Otis Kunz, Phone: (619) 571-8977.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 3/30/89).
- Contractor/Supervisor (contingent from 10/31/88).
- (27)(a) *Training Provider:* The Asbestos Institute.
- Address: 2701 East Camelback, Suite 381, Phoenix, AZ 85016, Contact: William T. Cavness, Phone: (602) 381-0896.
- (b) *Approved Courses:*
- Abatement Worker (contingent from 6/30/88).
- Abatement Worker Refresher Course (contingent from 10/31/88).
- Contractor/Supervisor (contingent from 6/13/88).
- Contractor/Supervisor Refresher Course (contingent from 3/9/89).
- Inspector/Management Planner (contingent from 6/17/88).
- Inspector/Management Planner Refresher Course (contingent from 6/16/88).

(28)(a) *Training Provider:* University Associates, Ltd.

Address: 2425-A North Huachuca Dr., Tucson, AZ 85745, Contact: Carolyn Coker, Phone: (602) 624-9366.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 12/1/88).

(29)(a) *Training Provider:* University of Southern California Institute of Safety & Systems Management.

Address: University Gardens, 3500 South Figueroa St., Suite 202, Los Angeles, CA 90007, Contact: James O. Pierce, Phone: (213) 743-6523.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/2/88).

Inspector/Management Planner (full from 2/15/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

EPA-Approved Training Courses

REGION X - Seattle, WA

Regional Asbestos Coordinator: Walter Jasper, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101. (206) 442-4762, (FTS) 399-2870.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region X training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Asbestos Services International.

Address: 12360 Southwest Butner Rd., Portland, OR 97225-5818, Contact: Robert E. Hasting, Phone: (503) 644-0246.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/23/88).

Inspector/Management Planner (full from 7/17/89).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Inspector/Management Planner Refresher Course (full from 1/20/89).

Project Designer (contingent from 10/31/88).

Project Designer (full from 1/17/89).

(2)(a) *Training Provider:* Certified Industrial Hygiene Services, Inc.

Address: 911 Western Ave., Suite 206, Seattle, WA 98104, Contact: Dorothy Stansel, Phone: (206) 622-1096.

(b) *Approved Course:*

Inspector (contingent from 3/25/88).

(3)(a) *Training Provider:* Engineering Continuing Education University of Washington.

Address: GG-13, Seattle, WA 98195, Contact: Susan G. Stone, Phone: (206) 543-5539.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88).

Inspector/Management Planner (full from 2/8/88).

(4)(a) *Training Provider:* Environmental Health Sciences Lake Washington Vo-Tech.

Address: 11605 132nd Ave., NE, Kirkland, WA 98034, Contact: Dave Rodewald, Phone: (206) 828-5643.

(b) *Approved Courses:*

Inspector/Management Planner (full from 4/11/88).

Inspector/Management Planner Refresher Course (contingent from 1/14/89).

Inspector/Management Planner Refresher Course (full from 1/27/89).

(5)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth Johnson, Phone: (907) 272-8056.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88).

(6)(a) *Training Provider:* Hazcon, Inc.

Address: 5950 6th Ave., S, Suite 216, Seattle, WA 98108, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/1/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(7)(a) *Training Provider:* Heavey Engineers, Inc.

Address: 113 Russell St., P.O. Box 832, Stevenson, WA 98648-0832, Contact: Daniel Evans, Phone: (509) 427-8936.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).

Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 3/10/89).

(8)(a) *Training Provider:* NAC Corporation/Northwest Asbestos Consultants.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).

Inspector/Management Planner Refresher Course (full from 7/24/89).

(9)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: 4020 Southeast International Way, Suite C-106, Milwaukie, OR 97222, Contact: Shiela Wanta, Phone: (503) 659-8899.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).

Inspector/Management Planner (full from 5/2/88).

(10)(a) *Training Provider:* PBS Environmental Building Consultants, Inc.

Address: 1220 South West Morrison, Portland, OR 97205, Contact: Stephen Smiley, Phone: (503) 248-1939.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/4/88).

Inspector/Management Planner (full from 3/14/88).

Inspector/Management Planner Refresher Course (contingent from 3/14/89).

Inspector/Management Planner Refresher Course (full from 6/30/89).

Project Designer (contingent from 6/9/89).

Project Designer (full from 6/19/89).

(11)(a) *Training Provider:* South East Regional Resource Center, Inc.

Address: 210 Ferry Way, Suite 200, Juneau, AK 99801, Contact: William Suss, Phone: (907) 586-6806.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/18/89).

(12)(a) *Training Provider:* Specialized Environmental Consulting, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Raymond Donahue, Phone: (206) 857-3222.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 3/7/89).

Inspector/Management Planner Refresher Course (full from 3/20/89).

(13)(a) *Training Provider:* University of Alaska, Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104,
Soldotna, AK 99669, Contact: Dennis
D. Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Inspector/Management Planner
(contingent from 2/16/88).

Inspector/Management Planner (full
from 4/11/88).

Inspector/Management Planner

Refresher Course (contingent from 1/
14/89).

(14)(a) *Training Provider:* Washington
Association of Maintenance &
Operations Administrators, WAMOA.

Address: 12037 Northeast Fifth,
Bellevue, WA 98005, Contact: Colin
MacRae, Phone: (206) 455-6054.

(b) *Approved Courses:*

Inspector/Management Planner

Refresher Course (contingent from 4/
25/89).

Inspector/Management Planner

Refresher Course (full from 7/24/89).

**V. List of Accredited Polarized Light
Microscopy (PLM) Laboratories**

A. Background

Section 206(d) of Title II requires EPA
to provide for the development of an
accreditation program through the NIST
for laboratories conducting analysis of
bulk samples of ACMs. NIST began
initial evaluations of enrolled
laboratories in October 1988 and has
accredited approximately 458 PLM
laboratories. NIST will continue to
accredit laboratories on a regular basis.
To provide LEAs with a source of
accredited laboratories until NIST
completes its laboratory evaluations,
EPA established the "Interim Asbestos
Bulk Sample Analysis Quality
Assurance Program." EPA announced
the program in the Federal Register of
September 30, 1987 (52 FR 33470).

The following listing includes
commercial and noncommercial
laboratories which have successfully
participated in the April 1988 round of
the EPA Interim Asbestos Bulk Sample
Analysis Quality Assurance Program
and have extended their interim EPA
accreditation beyond its expiration date
of January 12, 1989, by fully enrolling in
the NIST program by the stated deadline
of September 30, 1988. This listing also
highlights laboratories accredited by
NIST as of July 1989. These laboratories
are denoted by "NIST" following the
laboratory name. Since NIST continues
to accredit laboratories on a regular
basis, some new NIST-accredited
laboratories may not be included in this
listing. LEA's should contact NIST at
(301) 975-4016 to verify the accredited
status of the laboratory.

*B. Transition from EPA to NIST
Accredited Laboratories*

The laboratories included in this
listing have completed final application
to NIST for enrollment in the National
Voluntary Laboratory Accreditation
Program (NVLAP) for PLM laboratories.
These laboratories have extended their
EPA-accredited status. NIST may at any
point in the laboratory review determine
that the laboratory is deficient and
request EPA to remove the interim EPA
accreditation based on a laboratory site
visit and/or proficiency testing. If a
laboratory is found to be deficient in
any part of the evaluation, NIST will not
accredit the laboratory until the
corrections have been made. NIST will
also notify EPA of the deficiencies, and
EPA will withdraw interim EPA
accreditation.

LEAs may determine the current EPA
accreditation status of laboratories in
this listing by contacting the laboratory
and the local EPA Regional Asbestos
Coordinator (RAC). This listing of
laboratories may be consulted as a
source of local laboratories; however,
since NIST has begun its evaluations,
the list could change prior to the next
published listing of accredited
laboratories. Additional copies of this
listing are available by calling (202) 544-
1404.

NOTE: This listing is amended to
include two additional listings of
noncommercial laboratories. The first
includes noncommercial laboratories
not included on EPA listings from
August 31, 1988 through January 12,
1989. These laboratories maintained
interim EPA accreditation from the April
1988 round of EPA testing through the
expiration of the interim EPA
accreditation on January 12, 1989. The
second listing includes noncommercial
laboratories with interim EPA
accreditation extended beyond the
expiration date of January 12, 1989.

EPA Accredited Commercial PLM
Laboratories

REGION I - Boston, MA

Regional Asbestos Coordinator: Joe
DeCola, EPA, Region I, Air and
Management Division (APT-2311), JFK
Federal Building, Boston, MA 02203.
(617) 565-3835, (FTS) 835-3835.

(1) *Laboratory:* Aetna Life & Casualty
(NIST), Engineering Department W101.

Address: 575 Pigeon Hill Rd., Windsor,
CT 06095, Contact: Ethel Patricio,
Phone: (203) 683-6364.

(2) *Laboratory:* Air Quality
Consultants (NIST).

Address: 406 Libbey Pkwy., Weymouth,
MA 02189, Contact: John E. O'Malley,
Phone: (617) 337-7320.

(3) *Laboratory:* Allied Engineering,
Inc. (NIST).

Address: 11 Columbia St., Augusta, ME
04330, Contact: Gary Bates, Phone:
(207) 623-9299.

(4) *Laboratory:* Analytical Testing
Services (NIST).

Address: 180 Weeden St., Pawtucket, RI
02860-1804, Contact: Robert F.
Weisberg, Phone: (401) 723-7978.

(5) *Laboratory:* Applied Occupational
Health Systems, (NIST).

Address: 29 River Rd., Suite 18, Concord,
NH 03301, Contact: Richard R.
Kretovich, Phone: (603) 228-3610.

(6) *Laboratory:* Balsam Environmental
Consultants, Inc. (NIST).

Address: 225 Western Ave., Augusta,
ME 04330, Contact: Weldon Bosworth,
Phone: (603) 893-0616.

(7) *Laboratory:* Balsam Environmental
Consultants, Inc., (NIST).

Address: 59 Stiles Rd., Salem, NH 03079,
Contact: Tara E. Smith, Phone: (603)
893-0616.

(8) *Laboratory:* Barnes and Jarnis, Inc.

Address: 216 Tremont St., Boston, MA
02116, Contact: Stephen Venuti,
Phone: (617) 542-8521.

(9) *Laboratory:* Briggs Associates, Inc.
(NIST).

Address: 400 Hingham St., Rockland,
MA 02370, Contact: James Litrides,
Phone: (617) 871-6040.

(10) *Laboratory:* Brooks Laboratories,
Inc. (NIST).

Address: 44 Codfish Ln., Weston, CT
06893, Contact: Margaret Y. Brooks,
Phone: (203) 226-6970.

(11) *Laboratory:* CON-TEST, Inc.
(NIST).

Address: 39 Spruce St., East
Longmeadow, MA 01028, Contact:
Thomas E. Veratti, Phone: (413) 525-
1198.

(12) *Laboratory:* CT State Dept. of
Health Lab (NIST).

Address: P.O. Box 1689, Hartford, CT
06101, Contact: Janet B. Kapish,
Phone: (203) 566-5626.

(13) *Laboratory:* Certified Engineering
& Testing Co., Inc. (NIST).

Address: 25 Mathewson Dr., Weymouth,
MA 02189, Contact: Glenn Sylvester,
Phone: (617) 337-7887.

(14) *Laboratory:* Certified Engineering
& Testing Co., Inc. of Rhode Island
(NIST).

Address: 400 Smith St., Providence, RI
02908, Contact: Maria Stoeckel, Phone:
(401) 831-9090.

(15) *Laboratory:* Chem Scope, Inc.
(NIST).

Address: P.O. Box 389, Fair Haven Station, New Haven, CT 06513, Contact: Ronald D. Arena, Phone: (203) 468-0055.

(16) *Laboratory:* Covino Environmental Consultants, Inc., (NIST).

Address: 12 Walnut Hill Pk., Woburn, MA 01801, Contact: Samuel J. Covino, Jr., Phone: (617) 933-2555.

(17) *Laboratory:* Dennison Environmental, Inc. (NIST).

Address: 35 Industrial Pkwy., Woburn, MA 01801, Contact: James E. Dennison, Phone: (617) 932-9400.

(18) *Laboratory:* EHL (NIST), Division of Cigna Corp.

Address: 94 Murphy Rd., Hartford, CT 06114, Contact: Jim Kenny, Phone: (203) 522-3814.

(19) *Laboratory:* ESA Laboratories (NIST).

Address: 43 Wiggins Ave., Bedford, MA 01730, Contact: Reg Griffin, Phone: (617) 275-0100.

(20) *Laboratory:* Eastern Analytical Laboratories, Inc.

Address: 149 Rangeway Rd., North Billerica, MA 01862, Contact: Drew Killius, Phone: (617) 272-5212.

(21) *Laboratory:* Enviro Research.

Address: 141 Prestige Park Rd., East Hartford, CT 06108, Contact: Arthur C. Cosmas, Phone: (203) 289-6493.

(22) *Laboratory:* Enviro-Lab, Inc. (NIST).

Address: 154 Grove St., Chicopee, MA 01020, Contact: Peter R. Tuttle, Phone: (413) 592-0030.

(23) *Laboratory:* Enviromed Services, Inc. (NIST).

Address: 25 Science Pk., New Haven, CT 06511, Contact: William G. Oldman, Phone: (203) 786-5580.

(24) *Laboratory:* Environmental Associates, Inc.

Address: 1222 Fairfield Ave., Bridgeport, CT 06605, Contact: Ralph B. Wiech, Phone: (203) 368-6064.

(25) *Laboratory:* Hub Testing Laboratory.

Address: 95 Beaver St., Waltham, MA 02154, Contact: Fred Boyle, Phone: (617) 893-8330.

(26) *Laboratory:* Hunter Environmental Sciences, Inc.

Address: P.O. Box 284, Lincoln, MA 01773, Contact: W. Bruce Hunter, Phone: (617) 259-0800.

(27) *Laboratory:* Hygeia, Inc. (NIST).

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: John R. Pilling, Phone: (617) 647-9475.

(28) *Laboratory:* Hygenix, Inc.

Address: 40 Hoyt St., Stamford, CT 06905, Contact: Robert C. Brown, Phone: (203) 324-2222.

(29) *Laboratory:* Hygienetics Analytical Services, Inc., (NIST).

Address: 150 Causeway St., Boston, MA 02114, Contact: Jack Yee, Sr., Phone: (617) 723-4664.

(30) *Laboratory:* Industrial Hygiene/New England.

Address: P.O. Box 947, Kennebunk, ME 04043, Contact: Thomas F. Hatch, Phone: (207) 985-6110.

(31) *Laboratory:* MMR, Inc. (NIST).

Address: P.O. Box 810, 241 West Boylston St., West Boylston, MA 01583, Contact: Donald Pellegrino, Phone: (617) 835-6262.

(32) *Laboratory:* Massachusetts Institute of Technology, Industrial Hygiene Office.

Address: 77 Massachusetts Ave., Rm. 20C-204, Cambridge, MA 02139, Contact: Bonnie L. Weeks, Phone: (617) 253-2596.

(33) *Laboratory:* New Hampshire Div. of Public Health (NIST), Public Health Laboratory.

Address: 6 Hazen Dr., Concord, NH 03301, Contact: Richard Krepovich, Phone: (603) 271-4657.

(34) *Laboratory:* Northeast Environmental Testing Lab., Inc.

Address: 51 Sockanossett Crossroads, Cranston, RI 02910, Contact: Carmine J. Spinella, Phone: (401) 785-1720.

(35) *Laboratory:* Northeast Test Consultants (NIST).

Address: 587 Spring St., Westbrook, ME 04092, Contact: Stephen Broadhead, Phone: (207) 854-3939.

(36) *Laboratory:* Norwich Laboratories, Inc. (NIST).

Address: 750 North Pleasant St., Amherst, MA 01002, Contact: Nina Inchari, Phone: (413) 549-6884.

(37) *Laboratory:* R.I. Analytical Laboratories Inc., (NIST).

Address: 1040 Mineral Spring Ave., North Providence, RI 02904, Contact: Anthony E. Perrotti, Phone: (401) 725-4190.

(38) *Laboratory:* Shelburne Laboratories, Inc. (NIST).

Address: 74 Ethan Allen Dr., P.O. Box 9479, South Burlington, VT 05403, Contact: Robert J. Emerson, Phone: (802) 658-5798.

(39) *Laboratory:* TRC Environmental Consultants, Inc., (NIST).

Address: 800 Connecticut Blvd., East Hartford, CT 06108, Contact: Paul Hunt, Phone: (203) 289-8631.

(40) *Laboratory:* Testwell Craig Labs of Connecticut, Inc. (NIST).

Address: 25 Henry St., Bethel, CT 06801, Contact: Richard Speciale, Phone: (203) 743-7281.

(41) *Laboratory:* The Hartford Steam Boiler I & I Co., (NIST), Environmental Services Laboratory.

Address: One State St., Hartford, CT 06102, Contact: Floyd B. Parsons, Jr., Phone: (203) 722-5476.

(42) *Laboratory:* Travelers Insurance-Engr. Lab.

Address: 248 Constitution Plaza, Hartford, CT 06183, Contact: Amita Sanghvi, Phone: (203) 277-7533.

EPA Accredited Commercial PLM Laboratories

REGION II - Edison, NJ

Regional Asbestos Coordinator: Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837, (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory:* ASBESCO, Inc. (NIST).

Address: 961 Lydell Ave., Bldg. 2, Suite 8, Rochester, NY 14606, Contact: Dmitry Tsimberov, Phone: (716) 647-2530.

(2) *Laboratory:* ASTECO, Inc. (NIST).

Address: P.O. Box 2204, Niagara University, NY 14109, Contact: Fred Smith, Phone: (716) 297-5992.

(3) *Laboratory:* ATC Environmental, Inc. (NIST).

Address: 104 East 25th St., New York, NY 10010, Contact: Robert Adamson, Phone: (212) 353-8280.

(4) *Laboratory:* Adelaide Environmental Health, Associates.

Address: 61 Front St., Binghamton, NY 13905-4705, Contact: Brian Donnelly, Phone: (607) 722-6839.

(5) *Laboratory:* Adelaide Environmental Health, Associates.

Address: 845 North Broadway, Suite 200, White Plains, NY 10601, Contact: Ernest Coon, Phone: (914) 949-3109.

(6) *Laboratory:* Adirondack Environmental Services, (NIST).

Address: 298 Riverside Ave., P.O. Box 265, Rensselaer, NY 12144, Contact: Thomas Hare, Phone: (518) 434-4548.

(7) *Laboratory:* Alternative Ways, Inc./AEM, Inc.

Address: P.O. Box 1147, 100 Essex Rd., Bellmawr, NJ 08031, Contact: John Luxford, Phone: (609) 933-3300.

(8) *Laboratory:* Ambient Labs, Inc. (NIST).

Address: 119 West 23rd St., New York, NY 10011, Contact: William A. Esposito, Phone: (212) 962-4242.

- (9) *Laboratory:* American Testing Labs, Inc. (NIST).
Address: P.O. Box 102, Bronx, NY 10471, Contact: George Kan, Phone: (212) 796-4761.
- (10) *Laboratory:* Applied Environmental Technology, Inc., (NIST).
Address: 316 Cooper Center, Pennsauken, NJ 08109, Contact: Willard Kingsley, Phone: (609) 488-9200.
- (11) *Laboratory:* Applied Geo Services, Inc. (NIST).
Address: 41 Union Square W, Suite 1125, New York, NY 10003, Contact: Jeffrey A. Forgang, Phone: (212) 633-1113.
- (12) *Laboratory:* Asbesto-Tech.
Address: 140-30 Elgar Pl., Suite 30-B, Bronx, NY 10475, Contact: Solomon Mate, Phone: (212) 671-5266.
- (13) *Laboratory:* Asbestos Consultancy Service, Inc., Holiday Bldg.
Address: 121 State Highway 36, West Long Branch, NJ 07764, Contact: George Forrest, Phone: (201) 571-1400.
- (14) *Laboratory:* Assessment Technologies, Inc.
Address: 323 West 39th St., New York, NY 10018, Contact: Richard W. Holmes, Phone: (212) 564-8222.
- (15) *Laboratory:* Astech, Inc.
Address: 317 West Milton Ave., Rahway, NJ 07065, Contact: Michael Matarazzo, Phone: (201) 396-4455.
- (16) *Laboratory:* Atlantic Environmental, Inc. (NIST).
Address: 2 East Blackwell St., Suite 24, Dover, NJ 07801, Contact: Robert Sheriff, Phone: (201) 366-4660.
- (17) *Laboratory:* Barnes & Jarnis, Inc.
Address: 373 Park Ave. S, 11th Fl., New York, NY 10016-8865, Contact: Jay Holmes, Phone: (212) 532-6433.
- (18) *Laboratory:* Brad Associates (NIST).
Address: 1 Rosanne Ct., Lake Ronkonkoma, NY 11779, Contact: Benito P. San Pedro, Phone: (516) 467-4539.
- (19) *Laboratory:* Briggs Associates, Inc. (NIST).
Address: 361 Hanover St., Portsmouth, NJ 03801, Contact: Janice Smith, Phone: (603) 431-2870.
- (20) *Laboratory:* Buck Engineering & Environmental, Laboratory (NIST).
Address: 100 Tompkins St., Courtland, NY 13045, Contact: John H. Buck, Phone: (607) 753-3403.
- (21) *Laboratory:* Buffalo Testing Labs., Inc. (NIST).
Address: 902 Kenmore Ave., Buffalo, NY 14216, Contact: Edward J. Kris, Phone: (716) 873-2302.
- (22) *Laboratory:* Bulava Environmental, Inc. (NIST).
Address: 13 Hunt Club Rd., Belle Mead, NJ 08502, Contact: Edward J. Bulava, Phone: (201) 874-6207.
- (23) *Laboratory:* CS Environmental Laboratory, Inc.
Address: 5854 Butternut Dr., East Syracuse, NY 13057, Contact: Ida J. Bennett, Phone: (315) 446-8795.
- (24) *Laboratory:* Calibrations (NIST).
Address: P.O. Box 11266, Albany, NY 12211, Contact: Sascha Percent, Phone: (518) 786-1865.
- (25) *Laboratory:* Certified Engineering & Testing Co. of, Upstate New York, Inc. (NIST).
Address: 284 Genesee St., Utica, NY 13502, Contact: Mark S. Evans, Phone: (315) 732-3826.
- (26) *Laboratory:* Chenango Environmental Laboratory, Inc. (NIST).
Address: 350 State St., Binghamton, NY 13901, Contact: Tim Sayers, Phone: (607) 723-8175.
- (27) *Laboratory:* Chopra-Lee Laboratory (NIST).
Address: 1741 Baseline Rd., Grand Island, NY 14072, Contact: Raj Chopra, Phone: (716) 733-6748.
- (28) *Laboratory:* Clayton Environmental Consultants, Inc. (NIST).
Address: 160 Fieldcrest Ave., Raritan Center, Edison, NJ 08837, Contact: Kirit H. Vora, Phone: (201) 225-6040.
- (29) *Laboratory:* Comprehensive Analytical Group (NIST).
Address: 147 Midler Park Dr., P.O. Box 254, Syracuse, NY 13206, Contact: Jeffrey Berry, Phone: (315) 432-0855.
- (30) *Laboratory:* Corning Eng. Environmental Services, (NIST), Corning Glass Works.
Address: One Malcolm Ave., Teterboro, NJ 07608, Contact: John C. Walton, Phone: (201) 393-5647.
- (31) *Laboratory:* Dames & Moore.
Address: 12 Commerce Dr., Cranford, NJ 07016-1101, Contact: Margaret Lynch, Phone: (201) 272-8300.
- (32) *Laboratory:* Detail Associates, Inc. (NIST).
Address: 300 Grand Ave., Engelwood, NJ 07631, Contact: Stephen A. Jaraczewski, Phone: (201) 569-6708.
- (33) *Laboratory:* ENTEK Environmental & Tech. Services, Rennselaer Technology Park.
Address: 125 DeFreest Dr., Troy, NY 12180, Contact: Arthur N. Rohl, Phone: (518) 283-9200.
- (34) *Laboratory:* Eastern Analytical Services, Inc., (NIST).
Address: 4 Westchester Plaza, Elmsford, NY 10523-1601, Contact: Paul Stascavage, Phone: (914) 592-8380.
- (35) *Laboratory:* Ecology & Environment, Inc.
Address: 4285 Genesee St., Buffalo, NY 14225, Contact: Gary Hahn, Phone: (716) 631-0360.
- (36) *Laboratory:* Electron-Microscopy Service, Laboratories, Inc. (NIST).
Address: 108 Haddon Ave., Westmont, NJ 08108, Contact: Peter Frasca, Phone: (609) 858-4800.
- (37) *Laboratory:* Enviro-Probe, Inc.
Address: 17 Heritage Dr., Edison, NJ 08820, Contact: Ved P. Kukreja, Phone: (201) 769-0274.
- (38) *Laboratory:* Enviro-Probe, Inc.
Address: 2917 Bruckner Blvd., Bronx, NY 10461, Contact: Ved P. Kukreja, Phone: (212) 863-0045.
- (39) *Laboratory:* Environmental Health Protection, Consultants, Inc.
Address: 601 East Chapel Ave., Cherry Hill, NJ 08034, Contact: Joseph E. Wilson, Phone: (609) 795-3890.
- (40) *Laboratory:* Environmental Management Systems, Inc., (NIST).
Address: 14 Sarafian Rd., New Paltz, NY 12561, Contact: Martin S. Rutstein, Phone: (914) 255-1034.
- (41) *Laboratory:* Environmental Monitoring & Consulting, Services.
Address: P.O. Box 872, Somerville, NJ 08876, Contact: Joel Russell, Phone: (201) 249-3005.
- (42) *Laboratory:* Exxon Biomedical Sciences, Inc. (NIST), IH Analytical Laboratory.
Address: Mettlers Rd., CN2350, East Millstone, NJ 08875-2350, Contact: John E. Stillman, Phone: (201) 873-6033.
- (43) *Laboratory:* Friends Laboratory, Inc. (NIST).
Address: 446 Broad St., Waverly, NY 14892-1445, Contact: Douglas Friend, Phone: (607) 565-2893.
- (44) *Laboratory:* Galson Technical Services (NIST).
Address: 6601 Kirkville Rd., East Syracuse, NY 13057, Contact: Eva Galson, Phone: (315) 432-0506.
- (45) *Laboratory:* Glomar Corp.
Address: 29-09 Queens Plaza N., Long Island City, NY 11101, Contact: Richard J. Deliberto, Phone: (718) 786-6660.
- (46) *Laboratory:* Hall-Kimbrell Environmental Services.
Address: 129-09 26th Ave., Flushing, NY 11354-1166, Contact: John F. Cesario, Phone: (718) 445-9090.

(47) *Laboratory*: Hazardous Waste Engineering, Consultants, Inc. (NIST).
Address: 47 Hudson St., Ossining, NY 10562, Contact: Marco Pedone, Phone: (914) 762-9000.

(48) *Laboratory*: Hillman Environmental Co.

Address: 1089 Cedar Ave., Union, NJ 07083, Contact: Joseph P. Hillman, Phone: (201) 686-3335.

(49) *Laboratory*: Hygeia, Inc. (NIST).
Address: 276 Fifth Ave., Suite 503, New York, NY 10001, Contact: Marianne Thorpe, Phone: (212) 545-7822.

(50) *Laboratory*: Independent Asbestos Labs, Inc. (NIST).

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Fred Terracina, Phone: (315) 437-1122.

(51) *Laboratory*: Independent Testing & Consultation, Inc.

Address: P.O. Box 539, Holmdel, NJ 07733, Contact: Anthony Matthews, Phone: (201) 583-2538.

(52) *Laboratory*: Industrial Testing Laboratories (NIST).

Address: 50 Madison Ave., New York, NY 10010, Contact: Kenneth J. Kohlhof, Phone: (212) 685-8783.

(53) *Laboratory*: International Asbestos Testing, Laboratories (IATL) (NIST).

Address: 36 North Pine Ave., Maple Shade, NJ 08052, Contact: Emil M. Ondra, Phone: (609) 779-7792.

(54) *Laboratory*: Kaselaan & D'Angelo Associates, Inc.

Address: P.O. Box 165, Haddonfield, NJ 08033, Contact: James J. Weitzman, Phone: (609) 547-6500.

(55) *Laboratory*: Kemron Environmental Services (NIST).

Address: 755 New York Ave., Huntington, NY 11743, Contact: Joseph Mannetta, Phone: (516) 427-0950.

(56) *Laboratory*: Laboratories for Environmental Testing.

Address: P.O. Box 8381, Long Island City, NY 11101, Contact: Michael A. Martucci, Phone: (718) 786-5583.

(57) *Laboratory*: Laboratory Testing Services, Inc., (NIST).

Address: 75 Urban Ave., Westbury, NY 11590, Contact: Kevin Tumulty, Phone: (516) 334-7770.

(58) *Laboratory*: Lozier Laboratories (NIST).

Address: 23 North Main St., Fairport, NY 14450, Contact: Alan J. Laffin, Phone: (716) 223-7610.

(59) *Laboratory*: Microscopy Research Laboratories, Inc.

Address: 1187 Highway 28, P.O. Box 5115, North Branch, NJ 08876, Contact: Edwin R. Levin, Phone: (201) 526-9192.

(60) *Laboratory*: Moby II (NIST).

Address: 1615 9th Ave., Bohemia, NY 11716, Contact: John Pedneault, Phone: (516) 467-8477.

(61) *Laboratory*: Monroe Monitoring & Analysis (NIST).

Address: 215 Alexander St., Rochester, NY 14607, Contact: Herbert Dohr, Phone: (716) 546-8580.

(62) *Laboratory*: National Testing Laboratories, Inc., (NIST).

Address: 27-14 39th Ave., Long Island City, NY 11101, Contact: Allen Ross, Phone: (718) 784-2626.

(63) *Laboratory*: Northeastern Analytical Corp. (NIST).

Address: Evesham Corporation Center, 4 East Stow Rd., Unit 10, Marlton, NJ 08053, Contact: William Harris, Phone: (609) 651-1441.

(64) *Laboratory*: O'Brien & Gere Engineers, Inc. (NIST).

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Swiatoslaw W. Kaczmar, Phone: (315) 451-4700.

(65) *Laboratory*: PMK Eng. & Testing, Inc. (NIST).

Address: 516 Bloy St., Hillside, NJ 07205, Contact: James Ferris, Phone: (201) 686-0044.

(66) *Laboratory*: Pedneault Associates, Inc. (NIST).

Address: 1615 9th Ave., Bohemia, NY 11716, Contact: John Pedneault, Phone: (516) 467-8477.

(67) *Laboratory*: Phoenix Safety Associates, Ltd.

Address: 35 West 31st St., New York, NY 10001, Contact: Nina Amarando, Phone: (212) 268-0600.

(68) *Laboratory*: Powell Environmental Services, Inc., (NIST).

Address: Suite 9A, Camp Meeting Grounds, Delanco, NJ 08075, Contact: Michael D. Moschella, Phone: (609) 764-8886.

(69) *Laboratory*: Princeton Testing Laboratory (NIST).

Address: P.O. Box 3108, Princeton, NJ 08540, Contact: David Kichula, Phone: (609) 452-9050.

(70) *Laboratory*: Professional Service Ind., Inc. (NIST).

Address: 423A New Karner Rd., Albany, NY 12205, Contact: Mark Wysin, Phone: (518) 452-0777.

(71) *Laboratory*: Public Service Testing Laboratories, Inc.

Address: 37-31 57th St., Woodside, NY 11377, Contact: Stephen DiMartino, Phone: (718) 476-9202.

(72) *Laboratory*: R-C-G BOCES Risk Management Services, Lab (NIST).

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Paul Bowler, Phone: (518) 732-7266.

(73) *Laboratory*: Suffolk County Public & Env. Health, Lab. (NIST).

Address: Veterans Memorial Hwy., Building 77, Hauppauge, NY 11788, Contact: Ronald Huttie, Phone: (516) 360-5528.

(74) *Laboratory*: TAKA Asbestos Analytical Services, (NIST).

Address: P.O. Box 208, Greenlawn, NY 11740, Contact: Thomas A. Kubic, Phone: (516) 261-2117.

(75) *Laboratory*: TAKA Asbestos Analytical Services, Inc. (NIST), Environmental Testing.

Address: 324 Larkfield Rd., East Northport, NY 11731, Contact: Thomas Kubic, Phone: (516) 261-2117.

(76) *Laboratory*: Testwell Craig Lab, Inc. (NIST).

Address: 47 Hudson St., Ossining, NY 10562, Contact: Marco J. Pedone, Phone: (914) 762-9000.

(77) *Laboratory*: Testwell Craig Laboratories of Albany, Inc. (NIST).

Address: 518 Clinton Ave., Albany, NY 12206, Contact: Stanley P. Purzycki, Phone: (518) 436-4114.

(78) *Laboratory*: Testwell Craig Laboratories, Inc., (NIST).

Address: 50 Passaic Ave., Fairfield, NJ 07006, Contact: Marco J. Pedone, Phone: (201) 882-8377.

(79) *Laboratory*: Testwell Craig Peters, Inc. (NIST).

Address: 127 Seeley Rd., Syracuse, NY 13224, Contact: Walter Peters, Phone: (315) 446-0008.

(80) *Laboratory*: Testwell Craig Testing Laboratories, (NIST).

Address: 565 East Jarding Hwy., Mays Landing, NJ 08330, Contact: Joseph Gigliotti, Phone: (609) 625-1700.

(81) *Laboratory*: U.S. Testing Company, Inc., Environmental Sciences Division (NIST).

Address: 1415 Park Ave., Hoboken, NJ 07030, Contact: Ellen McCabe Noyes, Phone: (201) 792-2400.

EPA Accredited Commercial PLM Laboratories

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory*: A.F. Meyer & Associates, Inc. (NIST).

- Address: 6849 Old Dominion Dr., Suite 228, McLean, VA 22101, Contact: John Shockley, Jr., Phone: (703) 734-9093.
(2) *Laboratory*: AGX, Inc. (NIST).
- Address: Freedom Professional Bldg., 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, Contact: Kimberly Allison, Phone: (412) 776-1905.
(3) *Laboratory*: AMA Analytical Services (NIST).
- Address: 4475 Forbes Blvd., Lanham, MD 20706, Contact: Bruce Lippy, Phone: (800) 459-2640.
(4) *Laboratory*: ASBESTECH Division.
- Address: P.O. Box 98, Dunbar, WV 25064, Contact: John Richard Hart, Phone: (304) 766-6224.
(5) *Laboratory*: ATEC Associates, Inc. (NIST), Industrial Hygiene Division.
- Address: 8989 Herrmann Dr., Columbia, MD 21045-8780, Contact: Paul A. Esposito, Phone: (301) 381-0232.
(6) *Laboratory*: ATEC Associates of Virginia, Inc., (NIST).
- Address: 2551 Eltham Ave., Suite Z, Norfolk, VA 23513, Contact: Richard A. Vogel, Jr., Phone: (804) 857-6765.
(7) *Laboratory*: Academy of IRM, Inc.
- Address: 1600 Winchester Rd., Annapolis, MD 21401, Contact: Bobby E. Leonard, Phone: (301) 757-6503.
(8) *Laboratory*: Accredited Environmental Technologies, Inc. (NIST).
- Address: 28 North Pennell Rd., Lima, PA 19037, Contact: Jack Carney, Phone: (215) 891-0114.
(9) *Laboratory*: Advanced Analytical Laboratories, Inc.
- Address: 30th & North Church St., Hazelton, PA 18201, Contact: Thomas Martinelli, Phone: (717) 455-5115.
(10) *Laboratory*: Air Quality Analysis Associates (NIST).
- Address: 1337 Perry Ave., Morgantown, WV 26505, Contact: John T. Jankovic, Phone: (304) 599-0023.
(11) *Laboratory*: Allegheny Asbestos Analysis, Inc., (NIST).
- Address: 300 Mt. Lebanon Blvd., Suite 2217, Pittsburgh, PA 15234, Contact: Tammy Nagel, Phone: (412) 563-3744.
(12) *Laboratory*: Allegheny Mountain Research (NIST), Occupational Health Division.
- Address: RD 1, Box 243A, Berlin, PA 15530-9546, Contact: Victor Kawchak, Phone: (814) 267-4404.
(13) *Laboratory*: Altest Environmental Labs (NIST).
- Address: 28 West Main St., Plymouth, PA 18651, Contact: Frank Egenski, Phone: (717) 779-5377.
(14) *Laboratory*: American Medical Laboratories, Inc., (NIST).
- Address: 11091 Main St., Fairfax, VA 22030, Contact: Fred Grunder, Phone: (703) 691-9100.
(15) *Laboratory*: American Medical Laboratories, Inc., (NIST).
- Address: 2000 Bremono Rd., Suite 204, Richmond, VA 23226, Contact: Robert Murphy, Phone: (703) 691-9100.
(16) *Laboratory*: Analytics (NIST).
- Address: P.O. Box 25249, Richmond, VA 23260, Contact: James Calpin, Phone: (804) 353-8973.
(17) *Laboratory*: Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories Inc.
- Address: 205 South Whiting St., Suite 405, Alexandria, VA 22304, Contact: Eugene Buie, Phone: (703) 751-3803.
(18) *Laboratory*: Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories, Inc.
- Address: 4625 Pembroke Lake Cir., Virginia Beach, VA 23455, Contact: Christie Buie, Phone: (804) 499-5050.
(19) *Laboratory*: Apex Environmental, Inc. (NIST).
- Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Frank G. Fitzpatrick, Phone: (301) 217-9200.
(20) *Laboratory*: Applied Environmental Health & Safety, Inc.
- Address: Reston International Center, 11800 Sunrise Valley Dr., Suite 1230, Reston, VA 22091, Contact: Jana Ambrose, Phone: (703) 648-0822.
(21) *Laboratory*: Asbestos Testing, Inc., Industrial Hygienist.
- Address: 5207 Noyes Ave., Charleston, WV 25304, Contact: John S. Ferrell, Phone: (304) 925-6795.
(22) *Laboratory*: BCM Engineers, Inc. (NIST).
- Address: 5777 Baum Blvd., Pittsburgh, PA 15206, Contact: David Nicoles, Phone: (412) 361-6000.
(23) *Laboratory*: BCM Lab Division (NIST).
- Address: One Plymouth Meeting, Plymouth Meeting, PA 19462, Contact: John J. Tobin, Phone: (215) 825-3800.
(24) *Laboratory*: Batta Environmental Associates (NIST).
- Address: P.O. Box 9722, Newark, DE 19711-9722, Contact: Steve Cahill, Phone: (302) 737-3376.
(25) *Laboratory*: Biospherics, Inc. (NIST).
- Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Len Burelli, Phone: (301) 369-3900.
(26) *Laboratory*: Blue Ridge Analytical (NIST).
- Address: 202 Bishop Rd., Blacksburg, VA 24060, Contact: David Violette, Phone: (703) 951-9283.
(27) *Laboratory*: Briggs Associates, Inc. (NIST).
- Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.
(28) *Laboratory*: Brujos Scientific, Inc.
- Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.
(29) *Laboratory*: Camtech, Inc.
- Address: McKnight-Ivory Bldg., 4550 McKnight Rd., Suite 202, Pittsburgh, PA 15237, Contact: Michael A. Campbell, Phone: (412) 931-1210.
(30) *Laboratory*: Commonwealth Laboratory, Inc.
- Address: 1761 Huffman St., P.O. Box 1428, Harrisonburg, VA 22801, Contact: Edwin Cox, III, Phone: (804) 648-8358.
(31) *Laboratory*: Cumberland Analytical Labs., Inc., (NIST).
- Address: 56 North Second St., Chambersburg, PA 17201, Contact: D. R. Richner, Jr., Phone: (717) 263-5943.
(32) *Laboratory*: Eagle Industrial Hygiene Association, Incorporated (NIST).
- Address: 405 Masons Mill Rd., Huntingdon, PA 19006, Contact: Keith Crawford, Phone: (215) 657-2261.
(33) *Laboratory*: Enviro Dynamics, Inc., Occupational & Environmental Health, Consultants.
- Address: 520 North Washington, Suite 300, Falls Church, VA 22046, Contact: Margaret Klekner, Phone: (703) 237-4237.
(34) *Laboratory*: Environmental Laboratories, Inc.
- Address: 9211 Burge Ave., Richmond, VA 23237, Contact: Terry W. Hall, Phone: (804) 271-3440.
(35) *Laboratory*: Environmental Management Group, Inc.
- Address: 9841 Broken Land Pkwy., Suite 117, Columbia, MD 21046, Contact: Patrick Thomas Connor, Phone: (301) 290-7078.
(36) *Laboratory*: FREE-COL Laboratories (NIST).
- Address: Cotton Rd., P.O. Box 557, Meadville, PA 16335-0557, Contact: J. Richard Wohler, Phone: (814) 724-6242.
(37) *Laboratory*: Galson Technical Services, Inc. (NIST).
- Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Debbie Field, Phone: (215) 834-7288.
(38) *Laboratory*: Gannett Fleming, Environmental Laboratory (NIST).

Address: 209 Senate Ave., Camp Hill, PA 17011, Contact: David W. Lane, Phone: (717) 763-7211.

(39) *Laboratory:* Geo-Environmental Services, Inc., (NIST), Maryland Division.

Address: 444 North Frederick Ave., Suite L148, Gaithersburg, MD 20877-2432, Contact: John T. Razzolini, Phone: (301) 353-0338.

(40) *Laboratory:* I-TEM, Ltd. (NIST).

Address: North Lake Commerce Center, 12850 Middlebrook Rd., P.O. Box 1060, Germantown, MD 20874, Contact: Jorge Rangel, Phone: (301) 353-0585.

(41) *Laboratory:* Industrial Hygiene & Occup. Med Lab, A Division of American Medical Lab., Inc.

Address: 11091 Main St., Fairfax, VA 22030, Contact: Jan Turner or Fred Grunder, Phone: (703) 691-9100.

(42) *Laboratory:* Interscience Research.

Address: 2614 Wyoming Ave., Norfolk, VA 23513, Contact: Joseph H. Guth, Phone: (804) 853-8813.

(43) *Laboratory:* JACA Corporation.

Address: 550 Pinetown Rd., Fort Washington, PA 19034, Contact: Gary Lester, Phone: (215) 643-5466.

(44) *Laboratory:* Lancaster Laboratories, Inc. (NIST).

Address: 2425 New Holland Ave., Lancaster, PA 17601, Contact: Barbara J. Weaver, Phone: (717) 656-2301.

(45) *Laboratory:* Lehigh Valley Analytics, Inc. (NIST).

Address: 60 West Broad St., Bethlehem, PA 18018, Contact: Barbara J. Davies, Phone: (215) 866-4434.

(46) *Laboratory:* MDS Laboratories (NIST).

Address: 4418 Pottsville Pike, Reading, PA 19605, Contact: Fred Usbeck, Phone: (215) 921-9191.

(47) *Laboratory:* Marine Chemist Service, Inc. (NIST).

Address: 11850 Tug Boat Ln., Newport News, VA 23606, Contact: Colleen Becker, Phone: (804) 873-0933.

(48) *Laboratory:* Medlab, Inc. (NIST).

Address: P.O. Box 2045, Wilmington, DE 19899, Contact: Sevag Sinanian, Phone: (302) 994-5764.

(49) *Laboratory:* Microlore, Inc.

Address: 2201A 22nd St., Nitro, WV 25143, Contact: Jon C. Pauley, Phone: (304) 343-2382.

(50) *Laboratory:* Mountaineer Testing Labs., Inc.

Address: P.O. Box 767, 425 North Jefferson, Lewisburg, WV 24901, Contact: Rob Dillon, Phone: (304) 645-7114.

(51) *Laboratory:* Occupational Medical Center Lab (NIST).

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Christopher Beza, Phone: (301) 306-0632.

(52) *Laboratory:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Michelle L. Evans, Phone: (301) 879-4676.

(53) *Laboratory:* Pacific Environmental Services, Inc., (NIST).

Address: 11440 Isaac Newton Sq., Suite 205, Reston, VA 22090, Contact: John Mazur, Phone: (703) 471-8363.

(54) *Laboratory:* Paleozoic Hydrocarbon Industries, Asbestos Lab Division of PHI (NIST).

Address: 132 Oakwood Rd., Charleston, WV 25314, Contact: S. M. Spencer, Jr., Phone: (304) 342-6424.

(55) *Laboratory:* Peach Laboratories.

Address: P.O. Box 336, 5465 Route 8, Gibsonia, PA 15044, Contact: John M. Lang, Phone: (412) 443-9244.

(56) *Laboratory:* Penn Environmental Health.

Address: 301 South Lang Ave., Pittsburgh, PA 15208, Contact: Abbas Labbauf, Phone: (412) 241-5130.

(57) *Laboratory:* Pennrun Corporation.

Address: 150 William Pitt Way, Pittsburgh, PA 15238, Contact: Valerie McDonald, Phone: (412) 826-5304.

(58) *Laboratory:* Professional Service Ind., Inc. (NIST), Pittsburgh Testing Lab Division.

Address: 850 Poplar St., Pittsburgh, PA 15220, Contact: Bruce Erdner, Phone: (412) 922-4000.

(59) *Laboratory:* R.J. Lee Group (NIST).

Address: 350 Hochberg Rd., Monroeville, PA 15146, Contact: William H. Powers, Phone: (412) 325-1776.

(60) *Laboratory:* R.J. Lee Group (NIST).

Address: 10366 Battleview Pkwy., Manassas, VA 22110, Contact: Tom Dagenhart, Phone: (703) 368-7880.

(61) *Laboratory:* SSI Environmental Consultants (NIST).

Address: Expressway Pk., Gulf Lab Rd. - Harmarville, Pittsburgh, PA 15238, Contact: George M. Beck, Phone: (412) 828-9210.

(62) *Laboratory:* Schneider Laboratories, Inc. (NIST).

Address: 1427 West Main St., Richmond, VA 23220-4629, Contact: Richard F. Schneider, Phone: (804) 353-6778.

(63) *Laboratory:* Scientific & Environmental Analytical, Svcs, Inc. (SEAS) (NIST).

Address: 202 Bishop Rd., Blacksburg, VA 23220, Contact: David Violette, Phone: (703) 951-9283.

(64) *Laboratory:* Spotts, Stevens, & McCoy (NIST).

Address: 345 North Wyomissing Blvd., Wyomissing, PA 19610, Contact: Spencer R. Watts, Phone: (215) 376-6581.

(65) *Laboratory:* Structure Probe, Inc.

Address: 535 East Gay St., West Chester, PA 19380, Contact: Kim Royer, Phone: (215) 436-5400.

(66) *Laboratory:* Tracor Jitco, Inc. (NIST), Asbestos Technology Center.

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Michael L. Edwards, Phone: (301) 984-2722.

(67) *Laboratory:* Versar, Inc. (NIST).

Address: 6850 Versar Center, Springfield, VA 22151, Contact: Robert Maxfield, Phone: (703) 642-6755.

(68) *Laboratory:* Volz Environmental Services (NIST).

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: George J. Skarupa, Phone: (412) 826-3150.

(69) *Laboratory:* Washington Analytical Lab of VA, Inc., (Mobile Unit).

Address: 4238 Lafayette Center Dr., Chantilly, VA 22021, Contact: Hugh Granger, Phone: (703) 631-6870.

(70) *Laboratory:* Washington Analytical Laboratory, Inc., (NIST).

Address: 4238 Lafayette Center Dr., Chantilly, VA 22021, Contact: R. Hugh Granger, Phone: (703) 631-6868.

(71) *Laboratory:* Wright Lab Services, Inc. (NIST).

Address: 34 Dogwood Ln., Middletown, PA 17057, Contact: Francine Walker, Phone: (717) 944-5541.

EPA Accredited Commercial PLM Laboratories

REGION IV - Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory:* ATEC Associates, Inc. (NIST).

Address: 129 West Valley Ave., Birmingham, AL 38209, Contact: David Yates, Phone: (205) 945-9224.

(2) *Laboratory:* ATEC Associates, Inc. (NIST).

Address: 4845 Rosselle St., Jacksonville, FL 32205, Contact: Benton E. Laughlin, Phone: (904) 387-6404.

(3) *Laboratory:* ATEC Associates, Inc. (NIST).

Address: 2990 Northwest 40 St., Miami, FL 33142, Contact: Michael H. Straube, Phone: (305) 633-2700.

(4) *Laboratory:* ATEC Associates, Inc. (NIST), Environmental Services Division.

Address: 1300 Williams Dr., Marietta, GA 30066-6299, Contact: Dwayne Cheatom, Phone: (404) 427-9456.

(5) *Laboratory:* ATEC Environmental Consultants (NIST).

Address: 1535 North Cogswell St., Suite A-4, Rockledge, FL 32955, Contact: Harry L. Capadano, Jr., Phone: (407) 631-6561.

(6) *Laboratory:* Advanced Industrial Hygiene Services, Inc. (NIST).

Address: 2131 Southwest 2nd Ave., Miami, FL 33129, Contact: Bruce Marchette, Phone: (305) 854-7554.

(7) *Laboratory:* American Microscopy Laboratory (NIST).

Address: 29 Heritage Hills, Tuscaloosa, AL 35406, Contact: M. A. Beg, Phone: (205) 345-2555.

(8) *Laboratory:* Analytical & Forensic Associates, (NIST).

Address: 1913 Capri Dr., Huntsville, AL 35811, Contact: John Kilbourne, Phone: (205) 533-3188.

(9) *Laboratory:* Analytical Management, Inc. (NIST).

Address: P.O. Box 11279, Lexington, KY 40574, Contact: David H. McRae, Phone: (606) 231-6511.

(10) *Laboratory:* Applied Environmental Technology, Inc.

Address: P.O. Box 421, Marietta, GA 30061, Contact: James B. Glass, Phone: (404) 425-1115.

(11) *Laboratory:* Applied Environmental Testing Lab, Inc. (NIST).

Address: 680 Thornton Way, Suite 202, Lithia Springs, GA 30057, Contact: Ali A. Hassani Pak, Phone: (404) 948-4919.

(12) *Laboratory:* Applied Technical Services.

Address: 1190 Atlanta Industrial Dr., Marietta, GA 30066, Contact: Laurel V. Waters, Phone: (404) 423-1400.

(13) *Laboratory:* Asbestos Analysis and Information, Service (NIST).

Address: P.O. Box 837, Fair Oaks, NC 27524, Contact: Stephen H. Westbrook, Phone: (919) 894-7718.

(14) *Laboratory:* Azimuth, Inc. (NIST).

Address: P.O. Box 71904, Charleston, SC 29415-1904, Contact: Charles B. Stoye, Phone: (803) 553-9456.

(15) *Laboratory:* BCM Engineers, Inc. (NIST).

Address: 104 St. Francis St., Suite 400, Mobile, AL 36633, Contact: Sheri Sims, Phone: (205) 433-0517.

(16) *Laboratory:* Bonner Analytical Testing Co. (NIST).

Address: Rt. 14, Box 509, Hattiesburg, MS 39402, Contact: Michael Bonner, Phone: (601) 264-2854.

(17) *Laboratory:* Briggs Associates, Inc. (NIST).

Address: 4401 Vineland Rd., Suite A9, Orlando, FL 32811, Contact: William Newman, Phone: (407) 422-3522.

(18) *Laboratory:* CRU, Inc. (NIST).

Address: P.O. Box 24467, Louisville, KY 40224, Contact: Donna M. Ringo, Phone: (502) 426-8860.

(19) *Laboratory:* Carolina Environmental (NIST).

Address: P.O. Box 37549, Raleigh, NC 27627, Contact: John D. Koenigs, Phone: (919) 859-0477.

(20) *Laboratory:* Cavin Analytical Consultants (NIST).

Address: 2165-k West Park Ct., Stone Mountain, GA 30087-3547, Contact: Donald K. Cavin, Phone: (404) 498-8295.

(21) *Laboratory:* Certified Engineering and Testing, Co., Inc. (NIST).

Address: 2600 Poplar Ave., Memphis, TN 38112, Contact: Amy Ginsberg, Phone: (901) 458-8860.

(22) *Laboratory:* Chem-Ray (NIST).

Address: P.O. Box 821, Florence, AL 35631, Contact: James D. Ray, Phone: (205) 776-4345.

(23) *Laboratory:* Chemalytics (NIST).

Address: 300 Doctors Bldg., 33 East Seventh St., Covington, KY 41011, Contact: Kenneth P. Reed, Phone: (606) 431-6224.

(24) *Laboratory:* Clayton Environmental Consultants, Inc. (NIST).

Address: 400 Chastain Center Blvd., NW, Suite 490, Kennesaw, GA 30144, Contact: Owen Crankshaw, Phone: (404) 499-7500.

(25) *Laboratory:* Davis & Floyd, Inc. (NIST).

Address: P.O. Drawer 428, Greenwood, SC 29648, Contact: William J. Day, Phone: (803) 229-5211.

(26) *Laboratory:* EEC, Inc. (NIST).

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Scrimanker, Phone: (919) 782-8912.

(27) *Laboratory:* EEC, Inc. (NIST).

Address: P.O. Box 11847, Columbia, SC 29211, Contact: Daniel A. Smith, Phone: (803) 256-7846.

(28) *Laboratory:* EMSL, Inc. (NIST).

Address: 1800 Peachtree St., NW, Suite 305, Atlanta, GA 30309, Contact: John Scarano, Phone: (404) 858-4800.

(29) *Laboratory:* Ecosafe, Inc. (NIST).

Address: 1713 Chapel Hill Rd., Durham, NC 27707, Contact: Steven L. Goode, Phone: (919) 493-2812.

(30) *Laboratory:* Enviro-Chem, Inc. (NIST).

Address: 762 Downtowner Loop W., Mobile, AL 36609, Contact: Charles Smilie, Phone: (205) 344-7711.

(31) *Laboratory:* EnviroSciences, Inc. (NIST).

Address: Montgomery Bldg., Suite 705, P.O. Box 5804, Spartanburg, SC 29304, Contact: Andrew G. Schauder, Phone: (803) 585-4900.

(32) *Laboratory:* Environmental Analytical Labs (NIST).

Address: Cobb Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Jeremy A. Armstrong, Phone: (404) 425-9901.

(33) *Laboratory:* Environmental Health Laboratory (EHL), (NIST), Cigna Loss Control Services.

Address: 3920 Arkwright Rd., Macon, GA 31213, Contact: Jeanne Gibbs, Phone: (912) 471-4544.

(34) *Laboratory:* Environmental Materials Consultants.

Address: P.O. Box 100161, 2217 10th Ct. S., Suite 200, Birmingham, AL 35210, Contact: William E. Hogg, Phone: (205) 933-0400.

(35) *Laboratory:* Environmental Protection Systems, Inc.

Address: 7215 Pine Forest Rd., Pensacola, FL 32506, Contact: James R. Burkhalter, Phone: (904) 944-0301.

(36) *Laboratory:* Environmental Protection Systems, Inc., (NIST).

Address: P.O. Box 20382, Jackson, MS 39209, Contact: Corbin McGriff, Phone: (601) 922-8242.

(37) *Laboratory:* Enviropact.

Address: 4790 Northwest 157th St. Hialeah, Miami, FL 33142, Contact: Greta Mackenzie, Phone: (305) 620-1700.

(38) *Laboratory:* Enviropact Services, Inc.

Address: 5180 113th Ave., N, Clearwater, FL 34620-4835, Contact: Michael T. Osinski, Phone: (813) 577-9663.

(39) *Laboratory:* Envirosciences, Inc. (NIST).

Address: 3810-F Merton Dr., Raleigh, NC 27609, Contact: E. R. Childress, Phone: (919) 782-1487.

(40) *Laboratory:* Evans Environmental & Geological, Science and Management, Inc.

Address: 2631 Southwest 27th St., Coconut Grove, FL 33133, Contact:

- Charles C. Evans, Phone: (305) 856-7458.
(41) *Laboratory*: Fiber Lab, Inc. (NIST).
Address: P.O. Box 36726, Birmingham, AL 35236, Contact: Suzanne Wdowiak, Phone: (205) 822-8544.
(42) *Laboratory*: GSC Environmental Laboratories, Inc., (NIST).
Address: 1824 Bi Wylds Rd., Augusta, GA 30909, Contact: William J. Horning, Phone: (404) 737-0185.
(43) *Laboratory*: Geo-Environmental Services, Inc., (NIST).
Address: 141 West Wieuca Rd., Suite 200A, Atlanta, GA 30342, Contact: Susan Harper, Phone: (404) 257-9303.
(44) *Laboratory*: Harmon Engineering Associates, Inc., (NIST).
Address: 1550 Pumphrey Ave., Auburn, AL 36830-4399, Contact: Roger Thompson, Phone: (205) 821-9250.
(45) *Laboratory*: Health & Hygiene, Inc. (NIST).
Address: 4605-E Dundas Dr., Greensboro, NC 27407, Contact: Sharon P. Lonon, Phone: (919) 854-2303.
(46) *Laboratory*: Hunter Services, Inc.
Address: P.O. Box 1703, Gainesville, FL 32602-1703, Contact: John J. Mousa, Phone: (904) 332-3318.
(47) *Laboratory*: International Abatement Management, Inc. (NIST).
Address: 550 North Reo St., Suite 300, Tampa, FL 33609, Contact: Robert B. Greene, Phone: (813) 287-5100.
(48) *Laboratory*: KNL Laboratory Services (NIST).
Address: P.O. Box 1833, Tampa, FL 33601, Contact: Garrett J. McGibbon, Phone: (813) 229-2879.
(49) *Laboratory*: Larron Laboratory.
Address: 711 Broadway, Mayfield, KY 42066, Contact: Daniel Roth, Phone: (502) 247-6982.
(50) *Laboratory*: Laseter and Associates, Inc.
Address: P.O. Box 176, Collierville, TN 38107, Contact: Kenneth Laseter, Phone: (901) 853-0400.
(51) *Laboratory*: Law Associates, Inc. (NIST).
Address: 1386 Mayson St., Atlanta, GA 30324, Contact: Greg Lewars, Phone: (404) 892-3200.
(52) *Laboratory*: Law Engineering (NIST).
Address: 4919 West Laurel St., P.O. Box 24183, Tampa, FL 33623, Contact: Susan K. Gossett, Phone: (813) 879-0750.
(53) *Laboratory*: Law Engineering Testing Co. (NIST).
Address: 501 Minuet Ln., P.O. Box 11297, Charlotte, NC 28220, Contact: R. Glenn Craig, Phone: (704) 523-2022.
(54) *Laboratory*: Law Engineering, Inc. (NIST).
Address: 3608 7th Ct., S, P.O. Box 10244, Birmingham, AL 35202, Contact: R. Michael Hamilton, Phone: (205) 252-9901.
(55) *Laboratory*: Materials Analytical Services, Inc., (NIST).
Address: 3597 Parkway Ln., Suite 250, Norcross, GA 30092, Contact: William Longo, Phone: (404) 448-3200.
(56) *Laboratory*: McCrone Environmental Services, Inc., (NIST).
Address: 1412 Oakbrook Dr., Suite 100, Norcross, GA 30093, Contact: Harriette A. Hurley, Phone: (404) 368-9600.
(57) *Laboratory*: Metro Services Laboratory (NIST), Asbestos Control Division.
Address: 6309 Fern Valley Pass, Louisville, KY 40228, Contact: J. Daniel Cooper, Phone: (502) 964-0865.
(58) *Laboratory*: Micro Analytical Laboratories, Inc., (NIST).
Address: 3618 Northwest 97th Blvd., Gainesville, FL 32606, Contact: Robert Longo, Phone: (904) 332-1701.
(59) *Laboratory*: Micro-methods, Inc. (NIST).
Address: 6500 Sunplex, Ocean Springs, MS 39564, Contact: Thomas J. Wilson, Phone: (601) 875-8420.
(60) *Laboratory*: Northrop Services, Inc. (NIST).
Address: P.O. Box 12313, RTP, NC 27709-2313, Contact: James A. Jahnke, Phone: (919) 549-0611.
(61) *Laboratory*: Pace Laboratories, Inc. (NIST).
Address: 5460 Beaumont Center Blvd., Tampa, FL 33634, Contact: Timothy M. Odell, Phone: (813) 884-8268.
(62) *Laboratory*: Pensacola P.O.C., Inc. (NIST).
Address: 109 South 2nd St., Pensacola, FL 32507, Contact: Barbara Svinglin, Phone: (904) 456-4406.
(63) *Laboratory*: Phoenix Environmental Labs, Division of P.D.R. Engineers, Inc.
Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: A.K. Upadhyaya, Phone: (615) 298-2065.
(64) *Laboratory*: Professional Contract Services, Inc., (NIST).
Address: P.O. Box 2605, Opelika, AL 36803-2605, Contact: Marsha Schnurrenberger, Phone: (205) 749-2636.
(65) *Laboratory*: Professional Service Ind., Inc. (NIST), PTL/Arribas Division.
Address: 3901 Northwest 29th Ave., Miami, FL 33142, Contact: Mary E. Hamel, Phone: (305) 633-7555.
(66) *Laboratory*: Quality Analytical Services, Inc., (NIST).
Address: 703 West Johnson St., Raleigh, NC 27603, Contact: Eloise Sheats, Phone: (919) 839-0757.
(67) *Laboratory*: R3 Enterprises.
Address: 630 Edgewater Club Rd., Wilmington, NC 28405, Contact: Richard Spivey, Phone: (919) 686-0242.
(68) *Laboratory*: Roberts Environmental Services (NIST), MAKO Office Complex.
Address: Highway 24 E., Swansboro, NC 28584, Contact: H. Dan Roberts, Phone: (919) 393-6565.
(69) *Laboratory*: S&ME Industrial Technologies, Inc.
Address: 5909 Breckenridge Pkwy., Suite B, Tampa, FL 33610, Contact: John J. Henderson, Phone: (813) 623-2438.
(70) *Laboratory*: S&ME Industrial Technologies, Inc., (NIST).
Address: 3980 Dekalb Technology Pkwy., Suite 700, Atlanta, GA 30340, Contact: Clint Gilbert, Phone: (404) 452-1911.
(71) *Laboratory*: S&ME Industrial Technologies, Inc., (NIST).
Address: 840 Low Country Blvd., Mt. Pleasant, SC 29484, Contact: Nina G. Marshtein, Phone: (803) 884-0005.
(72) *Laboratory*: Safety Underwriters Laboratory (NIST).
Address: P.O. Box 20094, Birmingham, AL 35216, Contact: Rebecca Hicks, Phone: (205) 822-3727.
(73) *Laboratory*: Schweiger and Associates (NIST).
Address: 2022 Powers Ferry Rd., Suite 180, 4M, Marietta, GA 30339, Contact: Patrick J. Schweiger, Phone: (404) 988-9250.
(74) *Laboratory*: Soil & Material Engineers (NIST).
Address: 9800-D Southern Pines Blvd., P.O. Box 7668, Charlotte, NC 28217, Contact: Terry Liles, Phone: (704) 523-8910.
(75) *Laboratory*: Southeastern Marine Chemists, Inc., (NIST), Southeastern Chemists' Laboratories.
Address: P.O. Box 8917, Jacksonville, FL 32239, Contact: Joseph W. Newton, Phone: (904) 725-2040.
(76) *Laboratory*: Specialized Assays (NIST).
Address: 210 12th Ave., S., P.O. Box 25110, Nashville, TN 37202, Contact: Kay Williams-Smith, Phone: (615) 255-5786.

(77) *Laboratory*: TEI Environmental, Inc. (NIST).
Address: 308A Pomona Dr., Greensboro, NC 27407, Contact: James Buchanan, Phone: (919) 852-0318.

(78) *Laboratory*: TTL, Inc. (NIST).
Address: 3516 Greensboro Ave., P.O. Box 1094, Tuscaloosa, AL 35403, Contact: Jack E. Davis, Phone: (205) 345-0816.

(79) *Laboratory*: Testwell Craig Laboratories of, Florida, Inc. (NIST).
Address: 7104 Northwest 51st St., Miami, FL 33166, Contact: Robert Schuler, Phone: (305) 593-0561.

(80) *Laboratory*: Thornton Laboratories, Inc. (NIST).
Address: 1145 East Cass St., Tampa, FL 33602, Contact: Laure Taylor, Phone: (813) 223-9702.

(81) *Laboratory*: Weston-ATC, Inc. (NIST).
Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: Leonard Nelms, Phone: (205) 826-6100.

(82) *Laboratory*: Weston-ATC Mobile Facility (NIST).
Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Leonard H. Nelms, Phone: (205) 826-6100.

EPA Accredited Commercial PLM Laboratories

REGION V -- Chicago, IL

Regional Asbestos Coordinator:
Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604, (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory*: ABS Environmental Labs, Inc. (NIST).

Address: 605 Brookside, Frankfurt, IL 60423, Contact: Arlene B. Smith, Phone: (815) 469-4464.

(2) *Laboratory*: ALEX (NIST).

Address: 485 Frontage Rd., Burr Ridge, IL 60521, Contact: Erol Roth, Phone: (312) 789-6080.

(3) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 1501 East Main St., Griffith, IN 46319, Contact: Roger S. Berkowitz, Phone: (219) 924-8690.

(4) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 5150 East 65th St, Indianapolis, IN 46220-4871, Contact: Richard A. Gehlbach, Phone: (317) 849-4990.

(5) *Laboratory*: Affiliated Environmental Services, Inc. (NIST).

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Don Dauch, Phone: (419) 627-1974.

(6) *Laboratory*: Air Quality Testing (NIST).

Address: 236 South Washington St., Naperville, IL 60540, Contact: J.D. Stubblefield, Phone: (312) 983-4010.

(7) *Laboratory*: Air Quality Testing, Inc. (NIST).

Address: 1830 Fifth Ave., Suite 541, Moline, IL 61285, Contact: Gerald Hofferth, Phone: (309) 762-1998.

(8) *Laboratory*: Aires Environmental Services.

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Cynthia Darling, Phone: (312) 879-3006.

(9) *Laboratory*: AirTech Associates, Inc. (NIST).

Address: 4100 Madison, Lower Level, Suite 4, Hillside, IL 60162, Contact: Mark Watka or Anne Czechorski, Phone: (312) 547-8117.

(10) *Laboratory*: Alderink & Associates, Inc. (NIST).

Address: 3221 3 Mile Rd., Grand Rapids, MI 49504, Contact: Carol J. Paxhia, Phone: (616) 791-0730.

(11) *Laboratory*: Alloway Testing (NIST).

Address: 1325 North Cole St., Lima, OH 45801-3415, Contact: John R. Hoffman, Phone: (419) 223-1362.

(12) *Laboratory*: American Analytical Laboratories, (NIST).

Address: 100 Lincoln St., Akron, OH 44308, Contact: Richard E. Moore, Phone: (216) 535-1300.

(13) *Laboratory*: Anasbestos Co. (NIST).

Address: 7206 West 90th Pl., Bridgeview, IL 60455, Contact: Gary Kentgen, Phone: (312) 598-2921.

(14) *Laboratory*: Applied Environmental Sciences, Inc., (NIST).

Address: 511 11th Ave. S, Box 220, Minneapolis, MN 55415, Contact: Patrick DiBartolomeo, Phone: (612) 339-5559.

(15) *Laboratory*: Asbestos Compliance Technology, Inc., (NIST).

Address: 5353 Tacoma Ave., Indianapolis, IN 46220, Contact: Virgil J. Konopinski, Phone: (317) 257-5096.

(16) *Laboratory*: Asbestos Compliance Technology, Inc., (NIST).

Address: 4015 Cherry St., Cincinnati, OH 45223, Contact: Tina Schmalz, Phone: (513) 542-4040.

(17) *Laboratory*: Asbestos Control Methods, Inc. (NIST).

Address: 2010 South Carboy Rd., Mount Prospect, IL 60056, Contact: Jeffrey Camplin, Phone: (312) 437-7999.

(18) *Laboratory*: Asbestos Management, Inc. (NIST).

Address: 36700 South Huron St., Suite 104, New Boston, MI 48164, Contact: D. Rex Bleeker, Phone: (313) 961-6135.

(19) *Laboratory*: BCA Laboratory (NIST).

Address: 1102 South Main, Bloomington, IL 61701, Contact: Kurt Benckendorf, Phone: (309) 828-7772.

(20) *Laboratory*: BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Ln., Portage, MI 49002, Contact: Scott McFarland, Phone: (616) 329-1237.

(21) *Laboratory*: Badger Labs. & Eng. Co., Inc.

Address: 1110 South Oneida St., Appleton, WI 54915, Contact: Stephen C. Taylor, Phone: (414) 739-9213.

(22) *Laboratory*: Beling Consultants, Inc. (NIST).

Address: 1001-16th St., Moline, IL 61265, Contact: Jeffrey A. Wasson, Phone: (309) 757-9800.

(23) *Laboratory*: Bowser-Morner Testing Laboratories, Inc.

Address: 420 Davis Ave., P.O. Box 51, Dayton, OH 45403, Contact: Mark A. Bingman, Phone: (513) 253-8805.

(24) *Laboratory*: Braun Environmental Laboratories, (NIST).

Address: 6800 South Country Rd. 18, P.O. Box 35108, Minneapolis, MN 55435-0108, Contact: Lisa A. Fournelle-Smestad, Phone: (612) 941-5600.

(25) *Laboratory*: Bruce Menkel & Associates, Inc. (NIST).

Address: 235 Industrial Dr., P.O. Box 159, Franklin, OH 45005, Contact: Bruce Menkel, Phone: (513) 746-9300.

(26) *Laboratory*: C.G. Technologies, Inc. (NIST).

Address: 535 Science Dr., Suite B, Madison, WI 53711, Contact: Carol Gannon, Phone: (608) 238-7811.

(27) *Laboratory*: CAE Asbestos (NIST).

Address: 207 North Woodwork Ln., Palatine, IL 60067, Contact: Paul A. Evansky, Jr., Phone: (312) 991-3300.

(28) *Laboratory*: CENCON (CNA Insurance) (NIST).

Address: 333 South Wabash - 3W, Chicago, IL 60604, Contact: Ellen Janka, Phone: (312) 822-6093.

(29) *Laboratory*: Carnow, Conibear and Associates, Ltd., (NIST).

Address: 333 West Wacker Dr., 14th Fl., Chicago, IL 60606, Contact: Steve Wolf, Phone: (312) 782-4486.

(30) *Laboratory*: Chem-Bio Corporation (NIST).

Address: 140 East Ryan Rd., Oak Creek, WI 53154, Contact: Robert F. Lipo, Phone: (414) 764-7870.

(31) *Laboratory*: Clayton Environmental Consultants, Inc. (NIST).

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Bob Lieckfield, Phone: (313) 344-1770.

(32) *Laboratory*: Cole Associates, Inc. (NIST).

Address: 2211 East Jefferson Blvd., South Bend, IN 46615, Contact: Lawrence W. Grauvogel, Phone: (219) 236-4400.

(33) *Laboratory*: Daily Analytical Laboratories (NIST).

Address: 1621 West Candletree Dr., Peoria, IL 61614, Contact: Susan J. Naschert, Phone: (309) 692-5252.

(34) *Laboratory*: Daniel J. Hartwig Associates, Inc., Director, Industrial Hygiene Services.

Address: P.O. Box 31, Oregon, WI 53575, Contact: David T. Killough, Phone: (608) 835-5781.

(35) *Laboratory*: DataChem, Inc. (NIST).

Address: 4388 Glendale-Milford Rd., Cincinnati, OH 45242, Contact: Charles L. Geraci, Phone: (513) 733-5336.

(36) *Laboratory*: DeLisle Consulting & Laboratories, Inc. (NIST).

Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Brad Shook, Phone: (616) 343-9698.

(37) *Laboratory*: DeYor Laboratories, Inc. (NIST).

Address: P.O. Box 3949, 7655 Market St., Suite 2500, Youngstown, OH 44512, Contact: Joseph K. Samuels, Phone: (216) 758-5788.

(38) *Laboratory*: EIS Environmental Engineers, Inc., (NIST).

Address: 1701 North Ironwood Dr., South Bend, IN 46635, Contact: H. Stephen Nye, Phone: (219) 277-5715.

(39) *Laboratory*: ERT Testing Services, Inc. (NIST).

Address: D.O.H. Professional Bldg., 211 Glendale, Suite 425, Highland Park, MI 48203, Contact: Rose M. Grier, Phone: (313) 865-0600.

(40) *Laboratory*: Electro Analytical, Inc. (NIST).

Address: 7118 Industrial Park Blvd., Mentor, OH 44060-5377, Contact: Mitchell E. Fadum, Phone: (216) 951-3514.

(41) *Laboratory*: Environmental Analytical Labs (NIST).

Address: 314 South State Ave., Indianapolis, IN 46201, Contact: David W. Hogue, Phone: (317) 269-3618.

(42) *Laboratory*: Environmental Consultants, Inc. (NIST).

Address: 1916 North 12th St., Toledo, OH 43624, Contact: Donald Dick, Phone: (419) 241-7127.

(43) *Laboratory*: Environmental Enterprises, Inc., (NIST).

Address: 10147 Springfield Pike, Cincinnati, OH 45215, Contact: Wayne L. Collier, Phone: (513) 772-2818.

(44) *Laboratory*: Environmental Evaluation & Laboratory Services, Inc. (NIST).

Address: 225 Parsons St., P.O. Box 1665, Kalamazoo, MI 49005, Contact: A. Clark Kahn, III, Phone: (616) 388-8099.

(45) *Laboratory*: Environmental Services, Inc.

Address: 1403 Sunset Ter., Western Springs, IL 60558, Contact: Nicholas Malone, Phone: (312) 246-2040.

(46) *Laboratory*: Esstek, Inc. (NIST).

Address: 17960 Englewood Dr., Middleburg Heights, OH 44130, Contact: Scott F. Linville, Phone: (216) 826-4220.

(47) *Laboratory*: Fay Goldblatt Laboratories, Inc., (NIST).

Address: 2111 Parkview Ct., Wilmette, IL 60091, Contact: Fay Goldblatt, Phone: (800) 356-0269.

(48) *Laboratory*: Fibertec, Inc.

Address: 808 West Lake Lansing Rd., Suite 206, East Lansing, MI 48823, Contact: Matthew H. Frisch, Phone: (517) 351-0345.

(49) *Laboratory*: Gabriel Laboratories, Inc. (NIST).

Address: 1421 North Elston Ave., Chicago, IL 60622, Contact: Chris Rollins, Phone: (312) 486-2123.

(50) *Laboratory*: Gelles Laboratories (NIST).

Address: 2836 Fisher Rd., Columbus, OH 43204, Contact: S.H. Gelles, Phone: (614) 276-2957.

(51) *Laboratory*: Hayden Environmental Group, Inc., (NIST).

Address: 6015 Manning Rd., Miamisburg, OH 45342, Contact: David Robinson, Phone: (513) 866-5908.

(52) *Laboratory*: Hazardous Materials Management, Inc.

Address: 2517 Seiferth Rd., Madison, WI 53716, Contact: David Lawrence, Phone: (608) 221-4027.

(53) *Laboratory*: Howard Laboratories, Inc.

Address: 3601 South Dixie Dr., Dayton, OH 45439, Contact: Jackie Webster, Phone: (513) 294-6856.

(54) *Laboratory*: IHI Kemron Environmental Services, (NIST).

Address: 32740 North Western Hwy., Farmington Hills, MI 48018, Contact: Charles O'Bryan, Phone: (313) 626-2426.

(55) *Laboratory*: IIT Research Institute.

Address: 10 West 35th St., Chicago, IL 60616, Contact: Jean Graf, Phone: (312) 567-4286.

(56) *Laboratory*: ITL/Bascor (NIST).

Address: 5960 North Milwaukee Ave., Chicago, IL 60646, Contact: Joby H. Burman, Phone: (312) 792-2454.

(57) *Laboratory*: Industrial Environmental Consultants, (NIST).

Address: 1760 East Grand River, East Lansing, MI 48823, Contact: Teresa Kenyon, Phone: (517) 351-4002.

(58) *Laboratory*: Institute for Environmental Assessment, (NIST).

Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Richard T. Cox, Phone: (612) 427-5310.

(59) *Laboratory*: John Mathes & Assoc., Inc. (NIST).

Address: 210 West Sand Bank Rd., P.O. Box 330, Columbia, IL 62236-0330, Contact: David H. Ward, Phone: (618) 281-7173.

(60) *Laboratory*: Lyle Laboratories.

Address: 1327 King Ave., Columbus, OH 43212, Contact: Tom Eggers, Phone: (614) 488-1022.

(61) *Laboratory*: Martin Marietta Energy Systems, Inc.

Address: Portsmouth Gaseous Diffusion Plant, P.O. Box 628, Piketon, OH 45661, Contact: David Boyd, Phone: (614) 289-2331.

(62) *Laboratory*: Materials Testing Consultants, Inc.

Address: 693 Plymouth NE, Grand Rapids, MI 49505, Contact: Judson N. Sorensen, Phone: (616) 456-5469.

(63) *Laboratory*: Micro Air, Inc./ Mobile Lab (NIST).

Address: 7132 Lakeview Pkwy. West Dr., Indianapolis, IN 46268, Contact: Harold Eitzen, Phone: (317) 293-1533.

(64) *Laboratory*: Microbac Laboratories, Inc., Seaway Industrial Laboratory, Subsidiary.

Address: 542-544 Conkey St., Hammond, IN 46324, Contact: Karen A. Erny, Phone: (219) 932-1770.

(65) *Laboratory*: Micro-Fiber Laboratories, Inc. (NIST).

Address: 635 Landwehr Rd., Northbrook, IL 60062, Contact: Phillip G. Pekron, Phone: (312) 498-4127.

(66) *Laboratory*: MicroView Consulting (NIST).

Address: 416 East Catawba Ave., Akron, OH 44301, Contact: Frank S. Karl, Phone: (216) 773-8330.

(67) *Laboratory*: Monarch Analytical Laboratories, Inc., (NIST).

Address: P.O. Box 2990, Toledo, OH 43606, Contact: Ronald J. Plenzler, Phone: (419) 535-1780.

(68) *Laboratory*: NATLSCO K-2.

Address: Rte. 22 & Kemper Dr., Long Grove, IL 60049, Contact: Joan Wronski, Phone: (312) 540-2488.

(69) *Laboratory*: National Petrographic Services, (NIST).

Address: 4484 Willowbrook Rd., Columbus, OH 43220, Contact: Bonnie Awan, Phone: (614) 459-7360.

(70) *Laboratory*: Northern Indiana Public Services, Company.

Address: 501 Bailly Station Rd., Performance Services- Central Lab, Chesterton, IN 46304, Contact: Steven L. Barnes, Phone: (219) 787-7205.

(71) *Laboratory*: Northland Environmental Services, Inc., (NIST).

Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Robert C. Voborsky, Phone: (715) 341-9699.

(72) *Laboratory*: Nova Environmental Services, Inc., (NIST).

Address: 1107 Hazeltine Blvd., Suite 420, Hazeltine Gates, Chaska, MN 55318, Contact: Steven B. Cummings, Phone: (612) 448-9393.

(73) *Laboratory*: Ohio Department of Health, Division of Laboratories.

Address: 1571 Perry St., Box 2568, Columbus, OH 43266-0068, Contact: Elizabeth Clark, Phone: (614) 421-1078.

(74) *Laboratory*: P.A.T. Services (NIST).

Address: 508 NE Monroe, Peoria, IL 61603, Contact: Cheryl McGuinnis, Phone: (309) 673-5919.

(75) *Laboratory*: PEI Associates, Inc. (NIST).

Address: 11499 Chester Rd., Cincinnati, OH 45246, Contact: Craig Caldwell, Phone: (513) 782-4700.

(76) *Laboratory*: Pace Laboratories, Inc. (NIST).

Address: 1710 Douglas Dr., N., Minneapolis, MN 55422, Contact: Tom L. Haverson, Phone: (612) 544-5543.

(77) *Laboratory*: Parkland Labs (NIST).

Address: 2935 ClearLake Ave., Springfield, IL 62702, Contact: Harry Stowers, Phone: (217) 525-2935.

(78) *Laboratory*: Particle Data Laboratories, Ltd.

Address: 115 Hahn St., Elmhurst, IL 60126, Contact: Ron Sturm, Phone: (312) 832-5658.

(79) *Laboratory*: Pro-Ac Asbestos Services.

Address: 5736 Tri-County Hwy., Sardinia, OH 45171, Contact: Fred Schmalz, Phone: (513) 542-8708.

(80) *Laboratory*: RCM Laboratories (NIST).

Address: 4137 Blanchan, Brookfield, IL 60513, Contact: Collen Rifke, Phone: (312) 485-8600.

(81) *Laboratory*: Randolph & Associates, Inc. (NIST).

Address: 5440 North Cumberland Ave., Suite 111, Chicago, IL 60656, Contact: Bruce Stockmeier, Phone: (312) 693-6030.

(82) *Laboratory*: Randolph & Associates, Inc. (NIST).

Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Kirk Sweetland, Phone: (309) 692-4422.

(83) *Laboratory*: Reed City Hopsital (NIST).

Address: 7665 Patterson Rd., P.O. Box 75, Reed City, MI 49677, Contact: James T. Reardon, Phone: (616) 832-3271.

(84) *Laboratory*: Ricerca, Inc. (NIST).

Address: 7528 Auburn Rd, P.O. Box 1000, Painesville, OH 44077-1000, Contact: William O. Butler, Phone: (216) 357-3300.

(85) *Laboratory*: S.E.A., Inc. (NIST).

Address: 7349 Worthington-Galena Rd., Columbus, OH 43085, Contact: Jami J. St. Clair, Phone: (614) 888-4160.

(86) *Laboratory*: Sea Earth & Air Environmental, Consultants, Inc. (NIST).

Address: 5787 North Lincoln Ave., Chicago, IL 60659, Contact: Barbera Carr, Phone: (312) 878-8337.

(87) *Laboratory*: Shaw Environmental Analytical, Laboratory.

Address: P.O. Box 606559, Chicago, IL 60660, Contact: Michael Shaw, Phone: (312) 973-4447.

(88) *Laboratory*: Sierra Analytical & Consulting, Services, Inc. (NIST).

Address: 307 N. 1st St., Ann Arbor, MI 48103, Contact: Dave Nelson, Phone: (313) 662-1155.

(89) *Laboratory*: Stat Analysis Corporation (NIST).

Address: 2201 West Campbell Park Dr., Chicago, IL 60612-3501, Contact: David E. Schwartz, Phone: (312) 733-0551.

(90) *Laboratory*: Stilson Laboratories, Inc. (NIST).

Address: 170 North High St., Columbus, OH 43215, Contact: W. Martin Bell, Phone: (614) 228-4385.

(91) *Laboratory*: Suburban Environmental Consultants, Ltd. (NIST).

Address: 18031 Dixie Hwy., Homewood, IL 60430, Contact: Henry G. Gooday, Jr., Phone: (312) 335-1808.

(92) *Laboratory*: TEM, Inc. (NIST).

Address: 443 Duane St., Glen Ellyn, IL 60137, Contact: James Tuinenga, Phone: (312) 790-0880.

(93) *Laboratory*: Testing Engineers & Consultants, Inc., (NIST).

Address: 933 West Jolly Rd., Lansing, MI 48909, Contact: James Hollenbeck, Phone: (517) 887-0628.

(94) *Laboratory*: Testing Engineers & Consultants, Inc., (NIST).

Address: 3816 Carpenter Rd., Pittsfield Township, MI 48197, Contact: Dawn Brennan, Phone: (313) 971-0030.

(95) *Laboratory*: Testing Engineers and Consultants, Inc. (NIST).

Address: P.O. Box 249, 1333 Rochester Rd., Troy, MI 48099, Contact: Scott Chandler, Phone: (313) 588-6200.

(96) *Laboratory*: Thermo Analytical, Inc. (NIST).

Address: 7314 West 90th St., Bridgeview, IL 60455, Contact: Frank P. DeFranza, Phone: (312) 430-1112.

(97) *Laboratory*: Tremco (NIST).

Address: 10701 Shaker Blvd., Cleveland, OH 44104, Contact: Charles J. Kalocz1, Phone: (216) 292-5000.

(98) *Laboratory*: Tri-State Laboratories, Dept. of Environmental Services, (NIST).

Address: 19 East Front St., Youngstown, OH 44503, Contact: Bari Lateef, Phone: (216) 746-8800.

(99) *Laboratory*: Twin City Testing Corporation (NIST).

Address: 662 Cromwell Ave., St. Paul, MN 55114, Contact: Wallace J. Nosek, Jr., Phone: (612) 645-3601.

(100) *Laboratory*: United Analytical Services, Inc., (NIST).

Address: 4410 West Roosevelt Rd., Suite 101, Hillside, IL 60162, Contact: Patrick Fosnacht, Phone: (312) 449-0070.

(101) *Laboratory*: Wadsworth/Alert Laboratories (NIST).

Address: P.O. Box 31454, Cleveland, OH 44131, Contact: Douglas R. Allenson, Phone: (216) 642-9151.

(102) *Laboratory*: Walker & Ward (NIST).

Address: 9119 Formington Dr., P.O. Box 12015, Evansville, IN 47712, Contact: Roger Ward, Phone: (812) 985-7877.

(103) *Laboratory*: Wausau Insurance Companies, Environmental Health Laboratory, (NIST).

Address: 2000 Westwood Dr., Wausau, WI 54401, Contact: Thomas Stavros, Phone: (715) 842-6810.

(104) *Laboratory*: Wisconsin Occupational Health Labs, (NIST).

Address: 979 Jonathon Dr., Madison, WI 53711, Contact: Richard Zimmerman, Phone: (608) 263-8807.

(105) *Laboratory*: Zimmerlin Consulting Group (NIST).

Address: 3420 East 96th St., Suite A, Indianapolis, IN 46240, Contact: Daniel J. Smith, Phone: (317) 574-0848.

(106) *Laboratory*: Zimmerlin Consulting Group (NIST).

Address: 3972 Brown Park Dr., Suite D, P.O. Box 357, Hilliard, OH 43026-0357, Contact: William Zimmerlin, Phone: (614) 876-1153.

EPA Accredited Commercial PLM Laboratories

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory*: A & B Environmental Services, Inc.

Address: 15371 Woodforest Blvd., Channelview, TX 77530, Contact: Ram Ramakrishnan, Phone: (713) 457-6608.

(2) *Laboratory*: ACI & Associates (NIST).

Address: 2100 Road to Six Flags E., Arlington, TX 76011, Contact: Michael J. Lee, Phone: (817) 265-7535.

(3) *Laboratory*: ATEC Associates, Inc. (NIST).

Address: 11356 Mathis Ave., Dallas, TX 75299-3157, Contact: Stephen D. Brandt, Phone: (214) 556-2204.

(4) *Laboratory*: Acadiana Research Laboratories, University of Southwestern Louisiana.

Address: P.O. Box 44210, Lafayette, LA 70504, Contact: Davy L. Bernard, Phone: (318) 231-6184.

(5) *Laboratory*: Aegis Associates - El Paso (NIST).

Address: 1280 Hawkins, Suite 120, El Paso, TX 79925, Contact: Fred Oriti, Phone: (915) 592-6556.

(6) *Laboratory*: Aegis Associates, Inc. (NIST).

Address: 44 East Ave., Suite 100/Suite 202, Austin, TX 78701-4334, Contact: Dianne Herrera, Phone: (512) 474-8789.

(7) *Laboratory*: Aer-Aqua Lab, Inc./Accredited, Industrial Hygienists, Inc. (NIST).

Address: P.O. Box 6152, Pasadena, TX 77506, Contact: Mary Heisel, Phone: (713) 477-8101.

(8) *Laboratory*: Allied Environmental Services, Inc.

Address: 16023 I-10 E., No. 9, Channelview, TX 77530, Contact: Subba V. Gogineni, Phone: (713) 452-5897.

(9) *Laboratory*: Analytical Labs.

Address: 1010 Los Lomas NE, Albuquerque, NM 87106, Contact: Bob Dye, Phone: (505) 242-3845.

(10) *Laboratory*: Analytical Labs.

Address: 218 Market St., Baird, TX 79504, Contact: Bob Dye, Phone: (915) 854-1264.

(11) *Laboratory*: Arkansas Department of Health (NIST).

Address: 4815 West Markham St., Little Rock, AR 72205, Contact: Stan Faulk, Phone: (501) 661-2389.

(12) *Laboratory*: Assaigai Analytical Laboratories, (NIST).

Address: 7300 Jefferson, NE, Albuquerque, NM 87109, Contact: Dean Dupree, Phone: (505) 345-8964.

(13) *Laboratory*: Building Environmental Systems, Inc., (NIST).

Address: 3501 North MacArthur, Suite 400B, Irving, TX 75062, Contact: Amy L. Smith, Phone: (214) 257-0787.

(14) *Laboratory*: Central Analytical Laboratories, Inc., (NIST).

Address: 2600 Marietta Ave., Kenner, LA 70062, Contact: David R. Lasater, Phone: (504) 469-3511.

(15) *Laboratory*: Chemtex Environmental Laboratory.

Address: 1747 7th Ave., Port Arthur, TX 77642, Contact: C.N. Reddy, Phone: (409) 983-4575.

(16) *Laboratory*: Continental Technical Services, Environmental Health Division.

Address: 9742 Skillman, Dallas, TX 75243, Contact: Carolyn Vercell, Phone: (214) 343-2025.

(17) *Laboratory*: Diversified Environmental, Technologies, Inc. (NIST).

Address: 132 West Main, Norman, OK 73069, Contact: Dan Tutt, Phone: (405) 360-7929.

(18) *Laboratory*: E.O.S. Environmental (NIST).

Address: 1450 Empire Central, Suite 116, Dallas, TX 75247, Contact: Thomas J. Palet, Phone: (214) 631-0862.

(19) *Laboratory*: EEG, Inc. (NIST).

Address: 220A North Knoxville, Russellville, AR 72801, Contact: Anne Woker, Phone: (501) 968-6767.

(20) *Laboratory*: EIRA, Inc.

Address: 161 James Dr. W., St. Rose, LA 70087, Contact: Margaret Metcalf, Phone: (504) 469-0333.

(21) *Laboratory*: ERG Consultants, Inc. (NIST).

Address: 3019 Alvin Devane, No. 220, Austin, TX 78741, Contact: Kevin Selby, Phone: (817) 444-5804.

(22) *Laboratory*: Earth Tech, Inc.

Address: R.R. 4, Box 4, Wagoner, OK 74467, Contact: Daryl L. Lessin, Phone: (918) 485-4910.

(23) *Laboratory*: East Texas Testing Laboratory, Inc., (NIST).

Address: 1717 East Erwin, Tyler, TX 75702, Contact: Gary G. LaFrance, Phone: (214) 595-4421.

(24) *Laboratory*: Environmental Analysis, Inc.

Address: Rte. 1, Box 12, Plainview, AR 72857, Contact: Jimmy Cunningham, Phone: (501) 272-4241.

(25) *Laboratory*: Environmental Analytical Consultants.

Address: 432 North Anthony St., New Orleans, LA 70119, Contact: Michael J. Landry, Phone: (504) 482-1717.

(26) *Laboratory*: Environmental Consultants, Inc.

Address: P.O. Box 17867, Shreveport, LA 71138-0867, Contact: Rhonda L. Dillingham, Phone: (318) 687-3771.

(27) *Laboratory*: Environmental Management.

Address: 414 West California, Ruston, LA 71270, Contact: Kevin Thigpen, Phone: (318) 251-9101.

(28) *Laboratory*: Environmental Monitoring Service, Inc.

Address: 13008 Amarillo Ave., Austin, TX 78729, Contact: Rick Pruet, Phone: (512) 335-9116.

(29) *Laboratory*: Environmental Research Institute, Inc., (NIST).

Address: P.O. Box 2024, Tyler, TX 75710, Contact: Thomas R. McKee, Phone: (214) 877-9314.

(30) *Laboratory*: Environmental Services Co., Inc., (NIST).

Address: 13715 West Markham, Little Rock, AR 72211, Contact: James Brown, Phone: (501) 221-2565.

(31) *Laboratory*: Envirotest, Inc. (NIST).

Address: P.O. Box 42812-414, Houston, TX 77042, Contact: Daniel J. Gerhardt, Phone: (713) 782-4101.

(32) *Laboratory*: Geo-Environmental Services, Inc., (NIST), Austin Office.

Address: 3801 North Lamar, Suite 185E, Austin, TX 78752, Contact: John Johnson, Phone: (512) 454-5222.

(33) *Laboratory*: Gerald Garrett & Associates, Inc.

Address: 2720 Stemmons Frwy., Suite 805 S., Dallas, TX 75207, Contact: J. W. Knuckles, Phone: (214) 688-4457.

(34) *Laboratory*: Hanby Analytical Laboratories, Inc., Mobile Unit (NIST).

Address: 4400 South Wayside St., Suite 107, Houston, TX 77087, Contact: John D. Hanby, Phone: (713) 649-4500.

- (35) *Laboratory*: Huey, Martin, & Associates.
Address: 5613 Bruyninckx Rd., Alexandria, LA 71303, Contact: Ben F. Martin, Phone: (318) 473-6431.
- (36) *Laboratory*: IHST.
Address: 6709 Parkside Ct., Arlington, TX 76016, Contact: Larry Liukonen, Phone: (817) 572-6336.
- (37) *Laboratory*: Kemron Environmental Services (NIST).
Address: 16550 Highland Rd., Baton Rouge, LA 70810, Contact: Thomas Bauckham, Phone: (504) 293-8650.
- (38) *Laboratory*: Kiser Engineering, Inc. (NIST).
Address: 211 North River St., Sequin, TX 78155, Contact: Rick Kirkpatrick, Phone: (800) 426-2102.
- (39) *Laboratory*: Law Engineering Testing Co. (NIST).
Address: 5500 Guhn Rd., Houston, TX 77040, Contact: C. H. Byrd, Phone: (713) 939-7161.
- (40) *Laboratory*: Loflin Environmental Services, Inc.
Address: 701 Bradfield, Houston, TX 77060, Contact: James A. Murray, Phone: (713) 931-9316.
- (41) *Laboratory*: Marshall Environmental Management, (NIST).
Address: 3801 Northwest 63rd St., Suite 162, Oklahoma City, OK 73116, Contact: Charles L. Marshall, Phone: (405) 842-3415.
- (42) *Laboratory*: Martin Marietta Manned Space Systems, Quality Evaluation Laboratory.
Address: P.O. Box 29304, New Orleans, LA 70189, Contact: Reginald G. Salloum, Phone: (504) 257-1766.
- (43) *Laboratory*: Maxim Engineers, Inc. (NIST).
Address: 11601 North Lamar, Austin, TX 78753, Contact: Fernando Yopez, Phone: (512) 837-8851.
- (44) *Laboratory*: Maxim Engineers, Inc. (NIST).
Address: 2342 Fabens, P.O. Box 59902, Dallas, TX 75229, Contact: Steve Moody, Phone: (214) 247-7575.
- (45) *Laboratory*: McClelland Management Services (NIST).
Address: 6100 Hillcroft, Suite 220, Houston, TX 77081, Contact: Jaye R. Stanley, Phone: (713) 995-9000.
- (46) *Laboratory*: McKee Environmental Health Services.
Address: 11114 Sage Park, Houston, TX 77089, Contact: Ron McKee, Phone: (713) 481-3501.
- (47) *Laboratory*: Microanalysis Laboratory, Inc. (NIST).
Address: 8499 Greenville Ave., Suite 201, Dallas, TX 75231, Contact: Carolyn Jones, Phone: (214) 340-0890.
- (48) *Laboratory*: NUS Corporation (NIST).
Address: 900 Gemini, Houston, TX 77058, Contact: John W. McCormick, Phone: (713) 488-1810.
- (49) *Laboratory*: National Asbestos Consultants Inc.
Address: 4619 North Santa Fe, Oklahoma City, OK 73118, Contact: Jerry Bowerman, Phone: (405) 528-6224.
- (50) *Laboratory*: New Mexico State University (NIST), Electron Microscope Laboratory.
Address: Box 3EML, Las Cruces, NM 88003, Contact: Joseph LaPointe, Phone: (505) 646-3734.
- (51) *Laboratory*: North American Analytical Labs (NIST).
Address: 4405 Crawford St., Abilene, TX 79605, Contact: Gene Walker, Phone: (915) 691-0172.
- (52) *Laboratory*: Occupational Hygiene, (NIST).
Address: P.O. Box 181769, Dallas, TX 75218, Contact: Virginia Wheeler, Phone: (214) 324-3813.
- (53) *Laboratory*: Occupational Safety & Health, Consultants, Inc. (NIST).
Address: 208 North Armstrong, Bixby, OK 74008, Contact: Jeffrey Jenkins, Phone: (918) 366-4834.
- (54) *Laboratory*: Oklahoma State Department of Health, Special Hazard Division (NIST).
Address: P.O. Box 53551, Oklahoma City, OK 73152, Contact: John M. Feero, Phone: (405) 271-5221.
- (55) *Laboratory*: Oxford Environmental Corp.
Address: 3224 26th St., Metairie, LA 70002, Contact: J. Robert Paterek, Phone: (504) 391-0795.
- (56) *Laboratory*: P.E.I. Microanalysis Laboratory D/FW, (NIST).
Address: P.O. Box 612383 (Trailer No. 12), D/FW Airport, TX 75261, Contact: Neal Sizemore, Phone: (214) 574-1700.
- (57) *Laboratory*: Precision Testing Labs, Inc. (NIST).
Address: 624 Northwest 5th St., Suite 2, Moore, OK 73160, Contact: Ferry Doyle, Phone: (405) 793-1468.
- (58) *Laboratory*: Professional Laboratories.
Address: 1105 13th St., Lubbock, TX 79401, Contact: Craig Tannahill, Phone: (806) 747-5681.
- (59) *Laboratory*: Raba-Kistner Consultants, Inc. (NIST).
Address: P.O. Box 690287, San Antonio, TX 78269-0287, Contact: Frank B. Schweitzer, Phone: (512) 699-9090.
- (60) *Laboratory*: Regional Testing Lab, Inc. (NIST).
Address: 318 West Chestnut, Suite 204, Denison, TX 75020, Contact: Cliff Wood, Phone: (214) 463-6666.
- (61) *Laboratory*: Southwestern Laboratories, Inc.
Address: 2575 Lone Star Dr., Dallas, TX 75212, Contact: Lawrence M. Thompson, Phone: (214) 631-2700.
- (62) *Laboratory*: Southwestern Laboratories, Inc., EES Division.
Address: P.O. Box 8768, Houston, TX 77249, Contact: Phillip Yokley, Phone: (713) 692-9151.
- (63) *Laboratory*: Southwestern Public Service Co. (NIST), Systems Laboratory.
Address: P.O. Box 1261, Amarillo, TX 79170, Contact: Ronald H. Dutton, Phone: (806) 378-2121.
- (64) *Laboratory*: Standard Testing & Eng. Co.
Address: 660 Distributors Row, Harahan, LA 70123, Contact: Robert E. Jones, Phone: (504) 734-8378.
- (65) *Laboratory*: Standard Testing and Engineering Co.
Address: 3400 North Lincoln Blvd., Oklahoma City, OK 73105, Contact: Cheri Marcham, Phone: (405) 528-0541.
- (66) *Laboratory*: Stanley Engineering Inc. & Alpha, Analytical Labs, Inc.
Address: 2700 Northwest 39th St., Oklahoma City, OK 73112, Contact: Keith L. Stanley, Phone: (405) 948-6505.
- (67) *Laboratory*: Sunbelt Associates, Inc. (NIST).
Address: 6961 Mayo Rd., New Orleans, LA 70126, Contact: Gary C. Allen, Phone: (504) 242-5026.
- (68) *Laboratory*: Technology Serving People, Inc. (NIST).
Address: 5373 West Alabama, Suite 450, Houston, TX 77056, Contact: Bill Hurt, Phone: (713) 621-9067.
- (69) *Laboratory*: Texas Department of Health (NIST), Asbestos Abatement Branch.
Address: 1100 West 49th St., Austin, TX 78756-3199, Contact: Joel H. Smith, Phone: (512) 458-7255.
- (70) *Laboratory*: Texas Research Institute (NIST), Environmental Division.
Address: 9063 Bee Cave Rd., Austin, TX 78733, Contact: Gary Rolls, Phone: (512) 263-2101.
- (71) *Laboratory*: The Hartford Steam Boiler Laboratory, (NIST), Inspection & Insurance Co.

Address: 1100 North Post Oak No. 30, Suite 300, Houston, TX 77055, Contact: Diana Spence, Phone: (713) 578-7300.

(72) *Laboratory*: University of Texas, Health Center, (NIST) Dept. of Cell Biology & Environmental Sciences.

Address: P.O. Box 2003, Tyler, TX 75710, Contact: Ronald Dodson, Phone: (214) 877-7554.

(73) *Laboratory*: Waldemar S. Nelso & Co., Inc. (NIST).

Address: 1200 St. Charles Ave., New Orleans, LA 70130, Contact: Laura E. Yager, Phone: (504) 523-5281.

(74) *Laboratory*: Weintritt Testing Laboratories, Inc., (NIST).

Address: 305 Andrew Guidry Rd., P.O. Box 30162, Lafayette, LA 70593, Contact: Richard G. Tietz, Phone: (318) 981-1560.

(75) *Laboratory*: West-Paine Laboratories, Inc.

Address: 7979 G.S.R.I. Ave., Baton Rouge, LA 70820, Contact: Jonny H. Vickers, Phone: (504) 769-4900.

EPA Accredited Commercial PLM Laboratories

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory*: ACM Labs, Inc.

Address: 304 North Main, P.O. Box 2073, Fairfield, IA 52556, Contact: David Fleshman, Phone: (515) 472-7402.

(2) *Laboratory*: ALERT Analytical Laboratories (NIST).

Address: 1900 West 47th Pl., No. 302, Westwood, KS 66205, Contact: Kevin Santee, Phone: (913) 831-4795.

(3) *Laboratory*: Ames Environmental (NIST).

Address: 3910 Lincoln Way, Ames, IA 50010, Contact: David Fairchild, Phone: (515) 292-3400.

(4) *Laboratory*: Asbestos Consulting & Testing (NIST).

Address: 15001 West 101st Ter., Lenexa, KS 66215, Contact: Jim A. Pickel, Phone: (913) 492-1337.

(5) *Laboratory*: Baird Scientific (NIST).

Address: P.O. Box 842, Carthage, MO 64836, Contact: Gary Baird, Phone: (417) 358-5567.

(6) *Laboratory*: CHART Services, Ltd. (NIST).

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

(7) *Laboratory*: CHART Services, Ltd. (NIST)

Address: 12616 West 62nd Ter., Suite 118, P.O. Box 18, Shawnee, KS 66216, Contact: Bernie Hemlick, Phone: (913) 268-0715.

(8) *Laboratory*: CHART Services, Ltd. (NIST).

Address: 7912 Davenport St., Omaha, NE 68114, Contact: Carmen Riegel, Phone: (402) 393-0155.

(9) *Laboratory*: Certified Environmental Management, Inc. (NIST).

Address: P.O. Box 504, Salina, KS 67402-0504, Contact: Brenda A. Tolson, Phone: (913) 536-8315.

(10) *Laboratory*: Hall-Kimbrell Environmental Services, Inc. (NIST).

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: W. David Kimbrell, Phone: (913) 749-2381.

(11) *Laboratory*: IPRSS Asbestos Analysis Labs, Inc., (NIST).

Address: 503 Main St., Belton, MO 64012, Contact: George S. McDowell, Phone: (816) 331-0002.

(12) *Laboratory*: Industrial Testing Laboratories, Inc., (NIST).

Address: 2350 7th Blvd., St. Louis, MO 63104, Contact: William J. Lowry, Phone: (314) 771-7111.

(13) *Laboratory*: Larron Laboratory.

Address: 529 Broadway, Cape Girardeau, MO 63701, Contact: David J. Roth, Phone: (314) 334-8910.

(14) *Laboratory*: Mayhew Environmental Training Assoc., (META).

Address: 901 Kentucky, Suite 305A, Lawrence, KS 66044, Contact: Robert G. Williams, Phone: (913) 842-6382.

(15) *Laboratory*: Microscopic Analysis, Inc. (NIST).

Address: 989 Gardenvue Office Pkwy., St. Louis, MO 63141, Contact: Douglas N. Nimmo, Phone: (314) 993-2212.

(16) *Laboratory*: Midwestern Testing Labs, Inc. (NIST).

Address: P.O. Box 1657, Fairfield, IA 52556, Contact: Dennis Greenley, Phone: (515) 472-1881.

(17) *Laboratory*: Nebraska Testing Laboratories, Inc.

Address: 4123 South 67th St., Omaha, NE 68117-1086, Contact: Lynn A. Knudtson, Phone: (402) 331-4453.

(18) *Laboratory*: Net Midwest Inc., Cedar Falls Division, (NIST).

Address: 704 Enterprise Dr., Cedar Falls, IA 50613, Contact: Michael McGee, Phone: (319) 277-2401.

(19) *Laboratory*: Pace Laboratories, Inc. (NIST).

Address: 2005 West 103rd Ter. (B), Leawood, KS 66206, Contact: Don Wright, Phone: (913) 341-7800.

(20) *Laboratory*: The University of Iowa (NIST), University Hygienic Laboratory.

Address: Iowa City, IA 52242, Contact: I. A. Schwabbauer, Phone: (319) 335-4500.

(21) *Laboratory*: University of Missouri - Kansas City, (NIST).

Address: Chemistry Dept., Kansas City, MO 64110, Contact: Dr. Peter F. Lott, Phone: (816) 276-2289.

EPA Accredited Commercial PLM Laboratories

REGION VIII -- Denver, CO

Regional Asbestos Coordinator: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1744, (FTS) 564-1744.

(1) *Laboratory*: ATC Environmental, Inc. (NIST).

Address: 1515 East Tenth St., Sioux Falls, SD 57103, Contact: Donald Beck, Phone: (605) 338-0555.

(2) *Laboratory*: Amoco Oil Company Mandan Refinery, (NIST).

Address: Mandan Avenue & Old Red Trail, Mandan, ND 58554, Contact: Jerifer Romsaas, Phone: (701) 667-2463.

(3) *Laboratory*: Analytica, Inc. (NIST).

Address: 5930 McIntyre St., Golden, CO 80403, Contact: Daniel M. Benecke, Phone: (303) 279-2583.

(4) *Laboratory*: Bison Engineering/Research (NIST).

Address: P.O. Box 1703, Helena, MT 59624, Contact: Patricia E. Groll, Phone: (406) 442-5768.

(5) *Laboratory*: Colorado State University Department of Environmental Health (NIST).

Address: B120 Microbiology Bldg., Fort Collins, CO 80523, Contact: Roy C. Warbington, Phone: (303) 491-6729.

(6) *Laboratory*: DCM Science Laboratory (NIST).

Address: 12975 West 24th Pl., Golden, CO 80401, Contact: Donna C. Mefford, Phone: (303) 237-0110.

(7) *Laboratory*: Datachem, Inc. (NIST).

Address: 960 West LeVoy Dr., Salt Lake City, UT 84123, Contact: Lance Eggenberger, Phone: (801) 266-7700.

(8) *Laboratory*: Dixon Information, Inc. (NIST).

Address: 78 West 2400 S., Salt Lake City, UT 84115, Contact: Willard C. Dixon, Phone: (801) 486-0800.

(9) *Laboratory*: Esstek, Inc. (NIST).

Address: 11435 West 48th Ave., Wheat Ridge, CO 80033-2101, Contact: Robert Cordova, Phone: (303) 425-7038.

(10) *Laboratory*: HTI Laboratories & Industrial, Consultants.

Address: 1806 Main Ave., Fargo, ND 58103, Contact: Constance S. Hodny, Phone: (701) 232-1399.

(11) *Laboratory*: HTI Laboratories & Industrial, Consultants, Inc.

Address: 6436 South Recline Cir., Englewood, CO 80111, Contact: Constance S. Hodny, Phone: (303) 773-9616.

(12) *Laboratory*: HTI Laboratories & Industrial, Consultants, Inc. (Mobile Lab).

Address: Box 8192, Fargo, ND 58109, Contact: Constance S. Hodny, Phone: (701) 237-9750.

(13) *Laboratory*: Hager Laboratories, Inc.

Address: 11234 East Caley Ave., Englewood, CO 80111, Contact: Patricia Manning, Phone: (303) 790-2727.

(14) *Laboratory*: Northern Engineering & Testing, Inc., (NIST).

Address: 600 South 25th St., Billings, MT 59107, Contact: Kathleen Smit, Phone: (406) 248-9161.

(15) *Laboratory*: Occupational Health Technologies, Inc.

Address: 171 University Cir., Pueblo, CO 81005, Contact: Thomas F. Antonson, Phone: (719) 566-0422.

(16) *Laboratory*: Professional Service Ind., Inc. (NIST), Pittsburgh Testing Lab. Div.

Address: 2955 Southwest Temple St., Salt Lake City, UT 84115, Contact: Herb Ritzman, Phone: (801) 484-8827.

(17) *Laboratory*: Sathe Analytical Lab., Inc.

Address: P.O. Box 1527, Williston, ND 58801, Contact: Neal Falk, Phone: (701) 572-3632.

(18) *Laboratory*: Survey, Management, and Design.

Address: P.O. Box 8021, Fargo, ND 58109, Contact: Peter L. Mehl, Phone: (701) 234-9556.

EPA Accredited Commercial PLM Laboratories

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105, (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory*: ACCULAB Environmental Services (NIST).

Address: 3700 Lakeville Hwy., Petaluma, CA 94952, Contact: Olivia Alejandro, Phone: (707) 776-4160.

(2) *Laboratory*: ASBESTECH (NIST).

Address: 6801 Fair Oaks Blvd., Suite H, Carmichael, CA 95608, Contact:

Tommy G. Conlon, Phone: (916) 481-8902.

(3) *Laboratory*: Analytical Research Laboratories, Inc.

Address: 160 Taylor St., P.O. Box 2360, Monrovia, CA 91016, Contact: D.W. Kohlenberger, Phone: (818) 357-3247.

(4) *Laboratory*: Applied Petrography, Inc. (NIST).

Address: 8520 Sorenson Ave., Suite E, Santa Fe Springs, CA 90670, Contact: Joanna Deane, Phone: (213) 945-3468.

(5) *Laboratory*: Asbestest, Inc.

Address: 1550 Dell Ave., Suite E, Campbell, CA 95008, Contact: Robert M. Kumagai, Phone: (408) 374-3360.

(6) *Laboratory*: Asbestos Detection Co., Inc. (NIST).

Address: 12755 Brookhurst St., Suite 206, Garden Grove, CA 92640, Contact: Richard L. Frauenberger, Phone: (714) 530-1922.

(7) *Laboratory*: Asbestos Management Services, Inc.

Address: 14829 Proctor Ave., Industry, CA 91746, Contact: Joseph Johnson, Phone: (818) 961-4303.

(8) *Laboratory*: Associated Safety Consultants (NIST).

Address: 13363 Saticoy St., No. 204, North Hollywood, CA 91605, Contact: Dan Flaherty, Phone: (818) 503-0471.

(9) *Laboratory*: BSE Labs, Inc. (NIST).

Address: 50 East Foothill Blvd., Arcadia, CA 91006, Contact: Gustavo Delgado, Phone: (818) 445-4127.

(10) *Laboratory*: California Water Labs (NIST).

Address: 1430 Carpenter Ln., Modesto, CA 95352, Contact: Gloria Poling, Phone: (209) 527-4050.

(11) *Laboratory*: Cam Lab (NIST).

Address: 9525 Slauson Ave., Pico Rivera, CA 90660, Contact: Michael R. Tiffany, Phone: (213) 942-8668.

(12) *Laboratory*: Certified Engineering & Testing Co., Inc. (NIST).

Address: 725 Greenwich St., No. 204, San Francisco, CA 94133, Contact: Cabe Silverhame, Phone: (415) 986-6872.

(13) *Laboratory*: Certified Testing Laboratories, Inc.

Address: 2905 East Century Blvd., South Gate, CA 90280, Contact: Stuart E. Salot, Phone: (213) 564-2641.

(14) *Laboratory*: Clark Geological Services (NIST).

Address: 3479 Edison Way, Fremont, CA 94538, Contact: Joyce Lucas-Clark, Phone: (415) 659-1784.

(15) *Laboratory*: Clayton Environmental Consultants, Inc. (NIST).

Address: 1252 Quarry Ln., Pleasanton, CA 94566, Contact: Warren C. Steele, Phone: (415) 426-2600.

(16) *Laboratory*: Dan Napier & Associates (NIST).

Address: 15342 Hawthorne Blvd., Suite 207, P.O. Box 1540, Lawndale, CA 90260-6440, Contact: Dan Napier, Phone: (213) 644-1924.

(17) *Laboratory*: Dyer Laboratories, Inc. (NIST).

Address: 2531 West 237th St., No. 121, Torrance, CA 90505, Contact: D.L. Dyer, Phone: (213) 530-3322.

(18) *Laboratory*: E & A Env'l Service, Inc. (NIST).

Address: 15943 Clark Ave., Bellflower, CA 90706, Contact: Ebbiteanga Abili, Phone: (213) 925-5080.

(19) *Laboratory*: EMS Laboratories (NIST).

Address: 211 Pasadena Ave., South Pasadena, CA 91030-2919, Contact: Bernadine M. Kolk, Phone: (213) 257-2002.

(20) *Laboratory*: EnvironMETeo Services, Inc. (EMET), (NIST).

Address: 94-463 Ukee St., Suite A, Waipahu, HI 96797, Contact: Clifford How, Phone: (808) 671-8383.

(21) *Laboratory*: Environmental Innovations (NIST).

Address: 675 Hegenberger Rd., Suite 110, Oakland, CA 94621, Contact: Kip Fout, Phone: (415) 632-0104.

(22) *Laboratory*: Esstek (NIST).

Address: 3045 Teagarden St., San Lenadro, CA 94577, Contact: Bob Cordova, Phone: (303) 425-0013.

(23) *Laboratory*: Esstek, Inc. (NIST).

Address: 9041-17 Dice Rd., Santa Fe Springs, CA 90670, Contact: Al Fahrenbruch, Phone: (213) 944-2520.

(24) *Laboratory*: Eureka Laboratories, Inc. (NIST).

Address: 3401 La Grande Blvd., Sacramento, CA 95823, Contact: Steven K. Leung, Phone: (916) 428-1193.

(25) *Laboratory*: Fiberquant, Inc. (NIST).

Address: 4824-B South 35th St., Phoenix, AZ 85040, Contact: Larry Pierce, Phone: (602) 276-6138.

(26) *Laboratory*: Forensic Analytical Specialities, Inc., (NIST).

Address: 3777 Depot Rd., Suite 408, Hayward, CA 94545, Contact: Stephen A. Shaffer, Phone: (415) 887-8828.

(27) *Laboratory*: Gemeni Petrographic Investigations.

Address: P.O. Box 2127, Novato, CA 94948, Contact: Peter A. Almendinger, Phone: (415) 892-9016.

(28) *Laboratory*: HECO Safety Division (NIST), Industrial Hygiene Section.

Address: 820 Ward Ave., Honolulu, HI 96813, Contact: Joana Teba, Phone: (808) 548-7386.

(29) *Laboratory*: Hall-Kimbrell Environmental Services.

Address: 2615 South King St., Suite 2A, Honolulu, HI 96826, Contact: S. Gil Cobb, Phone: (913) 749-2381.

(30) *Laboratory*: Hall-Kimbrell Environmental Services, (NIST).

Address: 646 South Brea Canyon Rd., Walnut, CA 91789, Contact: Joel K. Davidson, Phone: (714) 594-3232.

(31) *Laboratory*: Hanlon Laboratories (NIST).

Address: 8801 Folsom Blvd., Suite 145, Sacramento, CA 95826, Contact: Victoria Nabavi, Phone: (916) 386-2153.

(32) *Laboratory*: Health Sciences Associates (NIST).

Address: 10771 Noel St., Los Alamitos, CA 90720, Contact: Kathy S. Jones, Phone: (714) 220-3922.

(33) *Laboratory*: IT Corporation-Cerritos (NIST).

Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Mary Hammons, Phone: (213) 921-9831.

(34) *Laboratory*: J.M. Cohen, Inc. (NIST).

Address: 155 Bovet Rd., Suite 300, San Mateo, CA 94402, Contact: Joel Cohen, Phone: (415) 349-9737.

(35) *Laboratory*: Kelco Asbestos Analytical Services, (NIST).

Address: P.O. Box 1339, Fremont, CA 94538, Contact: Bonnie Lee Kellogg, Phone: (415) 659-9751.

(36) *Laboratory*: Kelco Services, Inc. (NIST).

Address: 8421 Auburn Ave., Citrus Heights, CA 95610, Contact: Duane Graves, Phone: (916) 722-7997.

(37) *Laboratory*: Kemron Environmental Services (NIST).

Address: 14340 Bolsa Chica, Suite C, Westminster, CA 92683, Contact: Humphrey Laurent, Phone: (714) 373-1194.

(38) *Laboratory*: McClara Laboratory, Asbestos Control Division.

Address: 1231 Gary Way, Carmichael, CA 95608, Contact: Michael McClara, Phone: (916) 489-9202.

(39) *Laboratory*: McCrone Environmental Services, Inc., (NIST).

Address: 120 Newport Center Dr., Suite 240, Newport Beach, CA 92660.

Contact: William Millar, Phone: (714) 759-6619.

(40) *Laboratory*: Med-Tox Associates, Inc. (NIST).

Address: 1229 Morena Blvd., San Diego, CA 92110, Contact: Thomas Vernon Dagenhart, Phone: (619) 276-8843.

(41) *Laboratory*: Microanalytical Services, Inc. (NIST).

Address: 201 South Lake Ave., Suite 402, Pasadena, CA 91101, Contact: Nancy Carraway, Phone: (818) 356-7400.

(42) *Laboratory*: Microprobe (NIST).

Address: 5104 East Burns, Tucson, AZ 85711, Contact: James R. Kessler, Phone: (602) 745-1189.

(43) *Laboratory*: National Asbestos Labs, Inc. (NIST).

Address: 2235 Polvorosa Ave., Suite 220, San Leandro, CA 94577, Contact: Kevin Smith, Phone: (415) 357-9555.

(44) *Laboratory*: PACE Laboratories (NIST).

Address: 11 Digital Dr., Novato, CA 94949, Contact: Keith Hunter, Phone: (415) 883-6100.

(45) *Laboratory*: Particle Diagnostics, Inc. (NIST).

Address: 1274 Morena Blvd., San Diego, CA 92109, Contact: Dan Baxter, Phone: (619) 276-2200.

(46) *Laboratory*: Precision Micro-Analysis (NIST).

Address: 5665 Power Inn Rd., Suite 102, Sacramento, CA 95824, Contact: J. Benjamin Smith, Phone: (916) 381-0694.

(47) *Laboratory*: R.J. Lee Group, Inc. (NIST).

Address: 2424 6th St., Berkeley, CA 94710, Contact: Jesse E. Fisher, Phone: (415) 486-8319.

(48) *Laboratory*: Radiation Detection Co.

Address: 162 Wolfe Rd., P.O. Box 1414, Sunnyvale, CA 94088, Contact: Susan Gagner, Phone: (408) 735-8700.

(49) *Laboratory*: Salt River Project (NIST).

Address: 600 East Curry Rd., Tempe, AZ 85281, Contact: William Powell, Phone: (602) 236-8024.

(50) *Laboratory*: Santa Rita Analytical.

Address: 5055 East Broadway, Suite D-208, Tucson, AZ 85711, Contact: James C. Faas, Phone: (602) 790-4491.

(51) *Laboratory*: Schwein/Christensen Eng., Ltd. (NIST).

Address: 3397 Mt. Diablo Blvd., Suite E, Lafayette, CA 94549, Contact: Conrad Christensen, Phone: (415) 284-3311.

(52) *Laboratory*: Smith-Emerly Co., Environmental/Chemical Dept.

Address: 781 East Washington Blvd., Los Angeles, CA 90021, Contact: Jack C. Carmody, Phone: (213) 749-3411.

(53) *Laboratory*: Southwest Hazard Control, Inc. (NIST).

Address: 5400 West Massingdle Rd., Tucson, AZ 85743, Contact: Gerald J. Karches, Phone: (602) 744-1060.

(54) *Laboratory*: Sunshine Environmental Laboratory.

Address: 2681 Lincoln Rd., Las Vegas, NV 89115, Contact: Nathan M. Lencioni, Phone: (702) 452-3952.

(55) *Laboratory*: TEM Analytics, Inc.

Address: 3433 East Fort Lowell, Suite 105, Tucson, AZ 85716, Contact: Sandra Beyarano, Phone: (602) 795-7000.

(56) *Laboratory*: TMA/NORCAL Corporation (NIST).

Address: 2030 Wright Ave., Richmond, CA 94804, Contact: Rosemary Sliney, Phone: (415) 235-2633.

(57) *Laboratory*: Toxscan (NIST), Control Lab.

Address: 42 Hangar Way, Watsonville, CA 95076, Contact: Frank Shields, Phone: (408) 724-4522.

(58) *Laboratory*: Truesdale Laboratories, Inc.

Address: 14201 Franklin Ave., Tustin, CA 92680, Contact: Karl Schiller, Phone: (714) 730-6239.

(59) *Laboratory*: United States Testing, Inc. EST-West.

Address: 3491 Kurtz St., P.O. Box 80985, San Diego, CA 92110, Contact: Craig Sobotka, Phone: (619) 222-0544.

(60) *Laboratory*: Unitek Environmental Consultants, Inc., (NIST).

Address: 2889 Mokumoa St., Honolulu, HI 96819, Contact: Irene Enoki, Phone: (808) 834-1444.

(61) *Laboratory*: University Associates, Ltd. (NIST).

Address: 2425-A North Huachuaca Dr., Tucson, AZ 85745, Contact: Frank Mendoza, Phone: (602) 624-9366.

(62) *Laboratory*: University Associates, Ltd. (NIST).

Address: 2725 Congress St., Suite 2A, San Diego, CA 92110, Contact: Frank Mendoza, Phone: (619) 294-7200.

(63) *Laboratory*: Van Houten Consultants, Inc.

Address: P.O. Box 2659, Novato, CA 94948, Contact: Gregory P. Arnold, Phone: (415) 897-6805.

(64) *Laboratory*: Western Technologies, Inc.

Address: 3737 East Broadway Rd., P.O. Box 21387, Phoenix, AZ 85036.

Contact: Denice Miller, Phone: (602) 437-3737.

EPA Accredited Commercial PLM Laboratories

REGION X -- Seattle, WA

Regional Asbestos Coordinator:
Walter Jasper, EPA, Region X, 1200 Sixth Ave. (8T-063), Seattle, WA 98101.
(206) 442-4762, (FTS) 399-2870.

(1) **Laboratory:** AM TEST, Inc. (NIST).
Address: 14603 Northeast 87th St., Redmond, WA 98052, Contact: John T. Dailey, Phone: (206) 885-1864.

(2) **Laboratory:** Asbestos Microscopy, Inc.

Address: 10463 Northeast Fourth Plain Rd., Vancouver, WA 98662, Contact: Paul Carlson, Phone: (206) 256-8455.

(3) **Laboratory:** Cascade Analytical Service.

Address: 3640 South Cedar St., Suite O, Tacoma, WA 98409, Contact: Juin B. J. TeVrucht, Phone: (206) 472-6909.

(4) **Laboratory:** Coffey Laboratories, Inc.

Address: 4914 Northeast 122nd Ave., Portland, OR 97230, Contact: Fredrick C. Colley, Phone: (503) 254-1794.

(5) **Laboratory:** Eastwood Testing Laboratory, Inc.

Address: 7325 Southeast 133rd Pl., Portland, OR 97236, Contact: Misko Maynard, Phone: (503) 761-0922.

(6) **Laboratory:** Environmental Consulting Services, Inc. (NIST).

Address: 1259 Willamette St., Eugene, OR 97401, Contact: Richard W. Carlin, Phone: (503) 345-6790.

(7) **Laboratory:** Environmental Consulting Services, Inc. (NIST).

Address: 3601 Northwest Yeon, Suite 134, Portland, OR 97210, Contact: Sheila Monroe, Phone: (503) 227-7210.

(8) **Laboratory:** Esstek, Inc. (NIST).

Address: 12622 Gateway Dr., Seattle, WA 98168, Contact: Richard C. Thompson, Phone: (303) 425-0013.

(9) **Laboratory:** Frandon Enterprises, Inc.

Address: 511 North 48th, Seattle, WA 98103, Contact: Donald M. Wallace, Phone: (206) 633-2341.

(10) **Laboratory:** HAZCON, Inc. (NIST).

Address: 9500 Southwest Barbur Rd., Suite 100, Portland, OR 97219, Contact: Gerald Liddell, Phone: (503) 244-8045.

(11) **Laboratory:** HAZCON, Inc. (NIST).

Address: 5950 6th Ave. S, Suite 216, Seattle, WA 98108, Contact: Masood Hashmi, Phone: (206) 763-7364.

(12) **Laboratory:** HAZTOX, Inc. (NIST).

Address: 820 North Linder Rd., Meridian, ID 83642, Contact: Wayne Dorband or Robin Schmidt, Phone: (208) 888-7121.

(13) **Laboratory:** Hanford Environmental Health, Foundation NHS, Inc. (NIST).

Address: 2950 C George Washington Way, Richland, WA 99352, Contact: Maureen Hamilton, Phone: (509) 376-6980.

(14) **Laboratory:** Hanford Environmental Health, Foundation NHS, Inc. (NIST).

Address: 805 Goethals Dr., Richland, WA 99352, Contact: Maureen Hamilton, Phone: (509) 376-6980.

(15) **Laboratory:** Hunter Services, Inc. (NIST).

Address: 1205 East Int'l. Airport Rd., Suite 100, Anchorage, AK 99518, Contact: Doug Jones, Phone: (907) 561-3055.

(16) **Laboratory:** M & M Environmental, Inc. (NIST).

Address: 3902 North 34th St., Tacoma, WA 98407, Contact: Mike Reid, Phone: (206) 572-2772.

(17) **Laboratory:** Marine & Environmental Testing, Inc. (NIST).

Address: P.O. Box 1142, Beaverton, OR 97075, Contact: Martin H. Finkel, Phone: (503) 286-2955.

(18) **Laboratory:** Microlab Northwest (NIST).

Address: 7609 140th Pl., NE, Redmond, WA 98052, Contact: Russel Crutcher, Phone: (206) 885-9419.

(19) **Laboratory:** Northern Testing Laboratories, Inc.

Address: 600 University Plaza W, Suite A, Fairbanks, AK 99709, Contact: Linda J. Hendershot, Phone: (907) 479-3115.

(20) **Laboratory:** Northwest Asbestos Consultants (NIST).

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale A. Schmidt, Phone: (503) 389-9727.

(21) **Laboratory:** Oregon Analytical Laboratory (NIST).

Address: 14655 Southwest Old Schools Ferry Rd., Beaverton, OR 97007, Contact: Howard Boorse, Phone: (503) 644-5300.

(22) **Laboratory:** Professional Service Ind., Inc. (NIST).

Address: 700 West 58th St., Anchorage, AK 99518-1632, Contact: John Buzdor, Phone: (907) 561-2400.

(23) **Laboratory:** Professional Service Ind., Inc. (NIST).

Address: 611 Southeast Harrison St., Portland, OR 97214, Contact: Judy Grant, Phone: (503) 232-2183.

(24) **Laboratory:** Quest Environmental Inc.

Address: 709 West Int'l. Airport Rd., Suite 100, Anchorage, AK 99513, Contact: John Johnston, Phone: (907) 563-0050.

(25) **Laboratory:** Taylor Laboratories, Inc.

Address: 724A Siginaka Way, Sitka, AK 99835, Contact: Lawrence Taylor, Jr., Phone: (907) 747-6364.

(26) **Laboratory:** Terra Test Analytical Labs, Inc.

Address: 1003 Main St., Suite 2, Summer, WA 98390, Contact: Pedro G. Armenta, Phone: (206) 863-5404.

(27) **Laboratory:** Weyerhaeuser Co., Safety & Health Service Laboratory.

Address: 32901 32nd Dr., S., Federal Way, WA 98003, Contact: Christopher Kirk, Phone: (206) 924-6639.

EPA Accredited Commercial PLM Laboratories

Non-Domestic PLM Laboratories

(1) **Laboratory:** Pinchin Harris Holland Associates, Ltd. (NIST).

Address: No. 200-1285 West Pender St., Vancouver, BC, V6E 4B1, Canada, Contact: Geoffrey A. Clark, Phone: (604) 669-5979.

(2) **Laboratory:** Chatfield Technical Consulting, Ltd. (NIST).

Address: 2071 Dickson Rd., Mississauga, Ontario, Canada L5B 1YB, Contact: Eric Chatfield, Phone: (416) 896-7611.

(3) **Laboratory:** McMaster Laboratory (NIST), Occupational Health Laboratory.

Address: 1200 Main St., W., Hamilton, Ontario, Canada L8N 3Z5, Contact: Dave K. Verma, Phone: (416) 525-9140.

(4) **Laboratory:** Ontario Research Foundation, Sheridan Park Research Comm.

Address: Mississauga, Ontario, Canada L5K 1B3, Contact: Irina Sherman, Phone: (416) 622-4111.

(5) **Laboratory:** Okinawa Eng. Analysis Ctr. Co., Ltd.

Address: 777 Ojana, Ginowan, Okinawa, Japan 901-22, Contact: Fuminori Nishime, Phone: (098) 897-0910.

EPA Accredited Non-Commercial PLM Laboratories

REGION I -- Boston, MA

Regional Asbestos Coordinator: Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK

Federal Building, Boston, MA 02203.
(617) 565-3835, (FTS) 835-3835.

(1) *Laboratory*: Division of Occupational Hygiene, Asbestos Commission.

Address: 1001 Watertown St., West Newton, MA 02165, Contact: Frank Kramarz, Phone: (617) 727-3983.

(2) *Laboratory*: Environmental Health and Safety, Harvard University.

Address: 46 Oxford St., Cambridge, MA 02138, Contact: Quality Control Manager, Phone: (617) 495-2090.

(3) *Laboratory*: Olin Corp. (NIST), Environmental Hygiene Laboratory.

Address: 91 Shelton Ave., P.O. Box 30-9643, New Haven, CT 06511, Contact: James P. Dawson, Phone: (203) 789-5613.

(4) *Laboratory*: State of Maine, Department of Human Services, Public Health Laboratory.

Address: 221 State St., Augusta, ME 04333, Contact: Thomas Dwyer, Phone: (207) 289-2727.

EPA Accredited Non-Commercial PLM Laboratories

REGION II -- Edison, NJ

Regional Asbestos Coordinator: Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory*: Hess Oil Virgin Islands Corp. (NIST).

Address: P.O. Box 127, Kingshill, St. Croix, VI 00850, Contact: John L. Edgley, Phone: (809) 778-4314.

EPA Accredited Non-Commercial PLM Laboratories

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory*: Aluminum Company of America, Environmental Health Laboratory (NIST).

Address: ALCOA Technical Center, ALCOA Center, PA 15069, Contact: Richard A. Milito, Phone: (412) 339-6651.

(2) *Laboratory*: Maryland Dept. of Health, Laboratories Adm. - AQL (NIST).

Address: 201 West Preston St., Room 6D1, Baltimore, MD 21203, Contact: Delores E. Willis, Phone: (301) 225-6212.

(3) *Laboratory*: National Institute of Health, Safety Support Section.

Address: Building 13, Room 3K04, Bethesda, MD 20205, Contact:

Randolph K. Larsen, Phone: (301) 496-3457.

(4) *Laboratory*: Pennsylvania Department of Environmental Resources (NIST).

Address: Bureau of Laboratories, P.O. Box 1467, 3rd & Reilly St., Harrisburg, PA 17120, Contact: Paul E. Baker, Phone: (717) 787-4669.

(5) *Laboratory*: U.S. Army Environmental Hygiene Agency, RICD MAB.

Address: Building E2100, Aberdeen Proving Ground, Edgewood, MD 21010-5422, Contact: John W. Courts, Phone: (301) 671-2619.

EPA Accredited Non-Commercial PLM Laboratories

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory*: Alabama Power Company.

Address: P.O. Box 2641, Birmingham, AL 35291, Contact: W. Steve Hill, Phone: (205) 664-6081.

(2) *Laboratory*: EG&G Florida, Occupational Medicine & Environmental, Health Services.

Address: P.O. Box 21296, Kennedy Space Center, FL 32815, Contact: Patricia L. Colomere, Phone: (407) 867-3829.

(3) *Laboratory*: GTRI Microscopy Research Lab (NIST).

Address: 151 Sixth St., O'Keefe Bldg., Atlanta, GA 30057, Contact: Toni Hurley, Phone: (404) 894-3806.

(4) *Laboratory*: The University of Alabama, Office of Health & Safety.

Address: 12 Thomas Cir., P.O. Box 6095, University, AL 35486, Contact: Hal Barrett, Phone: (205) 348-5905.

(5) *Laboratory*: Western Kentucky University, Electron Microscopy Facility.

Address: Dept. of Biology, Bowling Green, KY 42101, Contact: J. Rodney McCurry, Phone: (502) 745-5993.

EPA Accredited Non-Commercial PLM Laboratories

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory*: Chicago Board of Education.

Address: 8600 South Komensky, Chicago, IL 60652, Contact: Henry G. Gooday, Jr., Phone: (312) 890-7865.

(2) *Laboratory*: Commonwealth Edison/SMAD.

Address: 1319 South First Ave., Maywood, IL 60153, Contact: Richard R. Dlesk, Phone: (312) 450-5435.

(3) *Laboratory*: General Motors, GM Technical Center.

Address: Res. Adm. Bldg. 3-229, Warren, MI 48090, Contact: Donald J. Hart, Phone: (313) 986-1056.

(4) *Laboratory*: Illinois Dept. of Public Health, Springfield Laboratory.

Address: 134 9th St., Springfield, IL 62701, Contact: James B. Hundley, Phone: (217) 782-6562.

(5) *Laboratory*: Indiana State Board of Health, Industrial Hygiene Laboratory.

Address: 1330 West Michigan St., Indianapolis, IN 46206, Contact: John Ruyack, Phone: (317) 633-0692.

(6) *Laboratory*: State of Illinois Department of Public Health, Toxicology Laboratory.

Address: 2121 West Taylor St., Chicago, IL 60612-4285, Contact: Dietmar Grohlich, Phone: (312) 693-4766.

(7) *Laboratory*: West Allis Memorial Hospital (NIST), Industrial Toxicology Laboratory.

Address: 8901 West Lincoln Ave., West Allis, WI 53227, Contact: Leon A. Saryan, Phone: (414) 546-6313.

EPA Accredited Non-Commercial PLM Laboratories

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory*: Duncan Public Schools (NIST).

Address: 1706 Spruce, P.O. Box 1548, Duncan, OK 73533, Contact: Ron Murray, Phone: (405) 255-4725.

(2) *Laboratory*: Jimmie Ann Bolton (NIST).

Address: P.O. Box 49079, Austin, TX 78765, Contact: Jimmie Ann Bolton, Phone: (512) 471-3511.

(3) *Laboratory*: Texaco Chemical Co. (NIST), Neches Plant.

Address: P.O. Box 847, Port Neches, TX 77651, Contact: Janet E. Wiiki, Phone: (409) 722-8381.

(4) *Laboratory*: U.S. Air Force.

Address: OEHL/SA, Brooks AFB, TX 78235, Contact: Jerry F. Thomas, Phone: (512) 536-2158.

(5) *Laboratory*: Univ. of Texas Health Center at Tyler, Dept. of Cell Biology & Environmental Science.

Address: P.O. Box 2003, Tyler, TX 75710,
Contact: Ronald F. Dodson, Phone:
(214) 877-3541.

EPA Accredited Non-Commercial PLM
Laboratories

REGION VIII -- Denver, CO

Regional Asbestos Coordinator: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1744, (FTS) 564-1744.

(1) *Laboratory:* AMOCO Oil Co. (NIST), Mandan Refinery.

Address: Mandan Ave., P.O. Box 5000, Mandan, ND 58554, Contact: Donald K. Litchfield, Phone: (701) 667-2463.

(2) *Laboratory:* EPA-NEIC.

Address: P.O. Box 25227, Bldg. 53, DFC, Denver, CO 80225, Contact: Douglas Kendall, Phone: (303) 236-5132.

(3) *Laboratory:* Public Service Co. of Colorado (NIST).

Address: Hampden Park West, Bldg. 5H, 1500 West Hampden, Englewood, CO 80110, Contact: Richard K. Price, Phone: (303) 797-4226.

EPA Accredited Non-Commercial PLM
Laboratories

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory:* Clark County School District, Safety & Health Specialist.

Address: 4260 Eucalyptus Annex, Las Vegas, NV 89121, Contact: Nathan M. Lencioni, Phone: (702) 799-5011.

(2) *Laboratory:* Pacific Gas & Electric Co., Dept. of Engineering Research.

Address: 3400 Crow Canyon Rd., San Ramon, CA 94583, Contact: Lansing W. Wong, Phone: (415) 820-2000.

(3) *Laboratory:* Riverside County Health Department, Laboratory.

Address: 5888 Mission Blvd., Rubidoux, CA 92509, Contact: Andrew Morita, Phone: (714) 784-1860.

(4) *Laboratory:* SCAQMD Laboratory (NIST).

Address: 9150 Flair Dr., El Monte, CA 91731, Contact: Joan Nierit, Phone: (818) 572-6200.

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Amended Non-Commercial Laboratories

REGION II -- Edison, NJ

Regional Asbestos Coordinator: Arnold Freiburger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory:* Albert Einstein College of Medicine, of Yeshiva University.

Address: 1300 Morris Park Ave., Bronx, NY 10461, Contact: Ralph Ciano, IH, Phone: (212) 430-4150.

(2) *Laboratory:* Astoria Chemical Laboratory.

Address: Con Edison, Bldg., 20th Ave. & 31st St., Astoria, NY 11105, Contact: Hubert Gordon, Phone: (718) 204-4137.

(3) *Laboratory:* City of New York, Dept. of Health, Bureau of Laboratories.

Address: 455 First Ave., New York, NY 10016, Contact: Gabriel Carbone, Phone: (212) 340-4571.

(4) *Laboratory:* Columbia Univ. in the City of NY, Environmental Health & Safety.

Address: 744 Southwest Mudd Bldg., 520 West 120th St., New York, NY 10027, Contact: Edward Olmsted, Phone: (914) 424-4077.

(5) *Laboratory:* Exxon Company, U.S.A.

Address: P.O. Box 222, Linden, NJ 07036, Contact: Michael P. Gerrity, Phone: (201) 474-7344.

(6) *Laboratory:* Merck & Company, Inc.

Address: P.O. Box 2000, Rahway, NJ 07065, Contact: Mansor A. Khan, Phone: (201) 594-4000.

(7) *Laboratory:* Monroe County Environmental Health.

Address: 435 East Henrietta Rd., Rochester, NY 14620, Contact: Richard Burton, Phone: (716) 271-4817.

(8) *Laboratory:* New Jersey State Health Dept., Div. of Environmental Laboratories, CN360.

Address: Trenton, NJ 08625, Contact: Dr. S. Shahied, Phone: (201) 594-4000.

(9) *Laboratory:* New York State Dept. of Health, Div. of Laboratories & Research.

Address: Empire State Plaza, Albany, NY 12201, Contact: James S. Webber, Phone: (518) 474-7958.

(10) *Laboratory:* New York Telephone, Environmental Health Group.

Address: 1095 Avenue of the Americas 2533, Room 1104, New York, NY 10036, Contact: V. Hardman, Phone: (212) 395-1660.

(11) *Laboratory:* The City of NY Dept. of Sanitation.

Address: 51 Chambers St., Suite 1113, New York, NY 10007, Contact: Thomas McMahon, Phone: (212) 566-0242.

(12) *Laboratory:* USAF Regional Medical Center.

Address: Wiesbaden/SGB, USAF, APO New York, NY 09220-5300, Contact: R.B. Graham, Phone: Not Available.

EPA Accredited Through 1/12/89 Only
Amended Non-Commercial Laboratories

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory:* Central Operating Company.

Address: Philip Sporn Plant, P.O. Box 389, New Haven, WV 25265-0389, Contact: Robert G. Workman, Phone: (304) 882-3213.

(2) *Laboratory:* Dept. of Health & Human Services, PHS CDC NIOSH DROS EIB.

Address: 944 Chestnut Ridge Rd., Morgantown, WV 26505, Contact: Jerry L. Clere, Phone: (304) 291-4205.

(3) *Laboratory:* NEPMU No. 2.

Address: Naval Station, Bldg. X336, Norfolk, VA 23511-6288, Contact: Officer in Charge, Phone: (804) 444-1547.

(4) *Laboratory:* US Army MEDDAC.

Address: HSXH-PVNTMED-IHS, Fort Eustis, VA 23604-5548, Contact: Commander, Phone: (804) 878-2231.

(5) *Laboratory:* Union Camp Corporation, Fine Paper Division.

Address: P.O. Box 178, Franklin, VA 23851, Contact: John D. Wood, Phone: (804) 569-4830.

EPA Accredited Through 1/12/89 Only
Amended Non-Commercial Laboratories

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory:* Michelin Tire Corporation, G-US O.

Address: P.O. Box 2846, Greenville, SC 29602, Contact: Alan M. Goldstein, Phone: (803) 277-9300.

(2) *Laboratory:* Naval Hospital, Industrial Hygiene Division.

Address: Code 407.2, Charleston, SC 29408-6900, Contact: Ken Warren, Phone: (803) 743-6600.

(3) *Laboratory:* North Carolina Div. of Health Services, Occupational Health Laboratory.

Address: P.O. Box 28047, Raleigh, NC 27611, Contact: John Neal, Phone: (919) 733-7308.

(4) *Laboratory:* Oak Ridge National Laboratory.

Address: P.O. Box X, Oak Ridge, TN 37831, Contact: Brain A. Jerome, Phone: (615) 574-6167.

(5) *Laboratory*: South Carolina Department of Health.

Address: P.O. Box 2202, Columbia, SC 29202, Contact: Gene Slice, Phone: (803) 758-4702.

(6) *Laboratory*: South Carolina Dept. of Health & Environmental Control.

Address: P.O. Box 2202, Columbia, SC 29202, Contact: Maryanne Jones, Phone: (803) 758-4942.

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Amended Non-Commercial Laboratories

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 888-6003, (FTS) 886-6003.

(1) *Laboratory*: Battelle, Columbus Division.

Address: 505 King Ave., Columbus, OH 43201-2693, Contact: Julius S. Ogden, Phone: (614) 424-6424.

(2) *Laboratory*: MEAD, World Headquarter.

Address: Courthouse Plaza NW, Dayton, OH 45463, Contact: Jerry L. Fair, Phone: (513) 222-6323.

(3) *Laboratory*: Minnesota Department of Health.

Address: 717 Southeast Delaware St., P.O. Box 9441, Minneapolis, MN 55440, Contact: Steven Ring, Phone: (612) 623-5579.

(4) *Laboratory*: Minnesota Pollution Control Agency, Division of Air Quality.

Address: 520 Lafayette Rd., St. Paul, MN 55155, Contact: Dennis P. Fenlon, Phone: (612) 296-9382.

(5) *Laboratory*: Minnesota Power.

Address: Clay Boswell Southeast Station, P.O. Box 128, Cohasset, MN 55721, Contact: Margie A. Milczarek-Ritte, Phone: (218) 328-5711.

(6) *Laboratory*: Ohio Edison Co., Central Chemical Laboratory.

Address: 2955 W. Market St., Akron, OH 44313, Contact: Michael Roxbury, Phone: (216) 384-5100.

(7) *Laboratory*: Regional Air Pollution Control Agency.

Address: 451 W. Third St., P.O. Box 972, Dayton, OH 45402, Contact: Bruno Maier, Phone: (513) 225-5945.

(8) *Laboratory*: The Ohio State University.

Address: 1875 Millikin Rd., Columbus, OH 43210-1283, Contact: E. Robert Malone, Phone: (614) 292-2455.

(9) *Laboratory*: The Upjohn Company.

Address: 7171 Portage Rd., Kalamazoo, MI 49001, Contact: R. Bruce Binns, Phone: (616) 323-6530.

(10) *Laboratory*: Thomas Blair.

Address: 8094 South Park, Garrettsville, OH 44231, Contact: Thomas Blair, Phone: (216) 527-2460.

(11) *Laboratory*: U.S. Army Corps of Engineers.

Address: 5851 Mariemont Ave., P.O. Box 27168, Cincinnati, OH 45227, Contact: Terry Stransky, Phone: (513) 527-8201.

(12) *Laboratory*: Wayne County Health Department, Air Pollution Control Division.

Address: 2211 East Jefferson, Detroit, MI 48207, Contact: Peter O. Warner, Phone: (313) 567-4100.

EPA Accredited Through 1/12/89 Only
Amended Non-Commercial Laboratories

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory*: Chaqctaw/Nicomia Park Pub. School.

Address: P.O. Box 659, Choctaw, OK 73020, Contact: Keith Crutchfield, Phone: (405) 769-9853.

(2) *Laboratory*: City Public Service, Environmental Lab.

Address: P.O. Box 1771, San Antonio, TX 78296, Contact: Clarence F. Ciomperli, Phone: (512) 227-3211.

(3) *Laboratory*: City of Houston Health & Human Services Dept. of Air Quality.

Address: 7511 Park Place Blvd., Houston, TX 77087, Contact: Wayne A. Theiss, Phone: (713) 640-4218.

(4) *Laboratory*: El Paso City-County, Health District.

Address: 222 S. Campbell St., El Paso, TX 79901, Contact: Rene Hernandez, Phone: (915) 541-4989.

(5) *Laboratory*: Kelsey-Seybold Clinic, PA, NASA-Johnson Space Center.

Address: Houston, TX 77058, Contact: Cyril D. Anderson, Phone: (713) 483-4111.

(6) *Laboratory*: LA Air Quality Division, Microanalysis Hgwy.

Address: 11720 Airline Hwy., Baton Rouge, LA 70816, Contact: Debra E. Bendily, Phone: (504) 922-0509.

(7) *Laboratory*: Los Alamos National Laboratory, Research & Development Section.

Address: Box 1663 HSE-5, MSK486, Los Alamos, NM 87545, Contact: Lawrence W. Ortiz, Phone: (505) 667-5231.

(8) *Laboratory*: Merichem Company.

Address: 1914 Haden Rd., Houston, TX 77015-6498, Contact: Rex Reid, Phone: (713) 455-1311.

(9) *Laboratory*: State of NM Scientific Laboratory Div.

Address: 700 Camino De Salud NE, Albuquerque, NM 87106, Contact: Dr. Curtis B. Coleman, Phone: (505) 841-2510.

(10) *Laboratory*: Tulsa City-County Health Dept., Pollution Control Div.-Air Qual.

Address: 4616 East 15th St., Tulsa, OK 74112, Contact: Rene J. Koesler, Phone: (918) 744-1000.

(11) *Laboratory*: University of New Orleans, Dept. of Geology & Geophysics.

Address: Lakefront, New Orleans, LA 70148, Contact: Dr. Gary C. Allen, Phone: (504) 286-6798.

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Amended Non-Commercial Laboratories

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory*: KDHE-Laboratory Services.

Address: Building 740- Forbes Field, Topeka, KS 66620, Contact: Ronald F. Hammerschmidt, Phone: (913) 862-9360.

(2) *Laboratory*: MRD Laboratory.

Address: 420 S. 18th St., Omaha, NE 68102-2586, Contact: R.K. Schlenker, Phone: Not Available.

(3) *Laboratory*: Missouri Dept. of Soc. Svcs.

Address: 307 West McCarty St., Jefferson City, MO 65101, Contact: Dr. R.H. Gnaedinger, Phone: (314) 751-3179.

(4) *Laboratory*: Nebraska Public Power District.

Address: Sheldon Station, P.O. Box 88, Hallman, NE 68368, Contact: Gene J. Cook, Phone: (402) 787-2555.

(5) *Laboratory*: Nebraska Public Power District.

Address: Gerald Gentleman Station, P.O. Box 68, Sutherland, NE 69165, Contact: John E. James, Phone: (308) 386-2441.

(6) *Laboratory*: Springfield-Greene County Health Dept.

Address: 227 East Chestnut Expwy., Springfield, MO 65802-3881, Contact: Ronald Boyer, Phone: (417) 864-1662.

(7) *Laboratory*: State of Nebraska, Health Laboratories.

Address: P.O. Box 2755, Lincoln, NE 68502-0755, Contact: John Blosser, Phone: (402) 471-2122.

(8) *Laboratory*: U.S. Dept. of Agriculture, National Animal Disease Center.

Address: P.O. Box 70, Ames, IA 50010, Contact: Mark T. Jensen, Phone: (515) 239-8344.

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REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105, (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory*: California Department of Health, Services Air & Industrial Hygiene, Laboratory.

Address: 2151 Berkeley Way, Berkeley, CA 94704, Contact: Miles Imada, Phone: (415) 540-2803.

(2) *Laboratory*: California Department of Health, Services Southern CA Laboratory.

Address: 1449 W. Temple St., Room 101, Los Angeles, CA 90026, Contact: James T. Ganotes, Phone: (213) 620-4109.

(3) *Laboratory*: Co. of LA, Dept. of Hlth. Svcs.

Address: 2615 South Grand Ave., Room 607, Los Angeles, CA 90007, Contact: Marcus Look, Phone: (213) 744-3223.

(4) *Laboratory*: International Business Machines, Inc., Industrial Hygiene 840/0121.

Address: 5600 Cottle Rd., San Jose, CA 95193, Contact: Peggy F. Kivel, Phone: (408) 256-5391.

(5) *Laboratory*: NASCO.

Address: Harbor Dr. & 28th St., P.O. Box 85278 MS 27, San Diego, CA 92138, Contact: Terry Thedell, Phone: (619) 544-7544.

(6) *Laboratory*: NAV MED CLIN.

Address: IH LAB-BLDG. 14, NAS NL, San Diego, CA 92135, Contact: Robert J. Holland, Phone: (619) 437-7975.

EPA Accredited Through 1/12/89 Only Amended Non-Commercial Laboratories

REGION X -- Seattle, WA

Regional Asbestos Coordinator: Walter Jasper, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101, (206) 442-4762, (FTS) 399-2870.

(1) *Laboratory*: Certified Industrial Hyg. Technologist.

Address: P.O. Box 36, Clinton, WA 98236, Contact: Arlene Stebbins, Phone: (206) 543-9711.

(2) *Laboratory*: Environmental Quality Labs & Applied Research.

Address: 1712 Southwest 11th Ave., Portland, OR 97201, Contact: Kenneth C. McDonald, Phone: (503) 229-5696.

(3) *Laboratory*: Ketchikan Pulp Company.

Address: P.O. Box 6600, Ketchikan, AK 99901, Contact: Steven Eilertson, Phone: (907) 225-2151.

(4) *Laboratory*: NRF Chemistry.

Address: Naval Reactors Facility, Box 2068, Idaho Falls, ID 83403-2068, Contact: C.W. Borrer, Phone: (208) 526-0111.

(5) *Laboratory*: Occupational Health Labs.

Address: 1400 Southwest 5th, Room 1007, Portland, OR 97201, Contact: Marija Janko, Phone: (503) 229-6286.

(6) *Laboratory*: Pabst Brewing Company.

Address: P.O. Box 36, Clinton, WA 98236, Contact: Ada E. Moore, Phone: (206) 754-5000.

(7) *Laboratory*: Spokane County Air Pollution, Control Authority.

Address: West 1101 College, Room 230, Spokane, WA 99201, Contact: Ronald J. Edgar, Phone: (509) 456-4727.

(8) *Laboratory*: The Boeing Company.

Address: P.O. Box 3707, MS 8H-08, Seattle, WA 98124-2207, Contact: Mason Campbell, Phone: (206) 773-1481.

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Non-Domestic PLM Laboratories

(1) *Laboratory*: Albata Workers' Health, Safety & Compensation.

Address: 10158-103 St., 2nd Floor, Edmonton, Alberta, Contact: Larry Serbin, Phone: (403) 427-7989.

(2) *Laboratory*: Health & Welfare Canada, Occ. Hlth. Unit-Med. Svcs. Branch.

Address: Du Chardon St., Tunney's Pasture, Ottawa, Ontario, Contact: Charles Moore, Phone: (613) 957-8456.

(3) *Laboratory*: Monsanto Canada, Inc., Industrial Hygiene Chemist.

Address: 425, rue St-Patrick, LaSalle, Quebec, Contact: Enzo Sgrignuoli, Phone: (514) 366-4850.

(4) *Laboratory*: Ontario Hydro, Safety Svcs. Dept.

Address: 757 McKay Rd., Pickering, Ontario, Contact: S. Libich, Phone: (416) 683-7516.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION II -- Edison, NJ

Regional Asbestos Coordinator: Arnold Freiberg, EPA, Region II,

Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837, (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory*: City of New York, Dept. of Gen. Svc., Lab Division of Municipal Supplies.

Address: 480 Canal St., New York, NY 10013, Contact: A.D. Pacifico, Phone: (212) 925-5326.

(2) *Laboratory*: Co. of Suffolk, Dept. of Health Svcs., Office of the Medical Examiner.

Address: Suffolk County Office Bldg., Hauppauge, NY 11788, Contact: William F. Boehler, Phone: (516) 360-5555.

(3) *Laboratory*: Hoffman La Roche, Inc., Industrial Hygiene Lab.

Address: 340 Kingsland St., Bldg. 103, Rm. 219, Nutley, NJ 07110, Contact: Jake Dounato, Phone: (201) 235-3248.

(4) *Laboratory*: Nassau County Dept. of Health, Division of Laboratories & Research.

Address: 209 Main St., Hempstead, NY 11550, Contact: William Boehler, Phone: (516) 483-9158.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365, (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory*: Division of Lab Svcs.

Address: 1522 Cherokee Trail, Knoxville, TN 37920, Contact: Edward McCrary, Phone: (615) 546-9221.

(2) *Laboratory*: E.I. DuPont DeNemours & Co., Cape Fear Plant (NIST).

Address: P.O. Box 2042, Wilmington, NC 28402, Contact: W.M. Tedder, Phone: (919) 371-4257.

(3) *Laboratory*: Schneider Services International, (NIST).

Address: MS-340, Arnold AFB, TN 37389, Contact: Doug Hite, Phone: (615) 454-3000.

(4) *Laboratory*: TN Dept. of Public Health, Jackson Branch Lab.

Address: 295 Summar Dr., Jackson, TN 38302-0849, Contact: Wm. Jordon English, Phone: (901) 424-9200.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604, (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory:* City of Toledo Environmental Services, Agency.
Address: 26 Main St., Toledo, OH 43605,
Contact: Rick Uscilowski, Phone: (419) 693-0358.

(2) *Laboratory:* Martin Marietta Energy Systems, Inc.
Address: P.O. Box 628, Piketon, OH 45661, Contact: David Boyd, Phone: (614) 897-5793.

(3) *Laboratory:* NIOSH (NIST).
Address: MS R-2 4676 Columbia Pkwy., Cincinnati, OH 45226, Contact: Peter Eller, Phone: (513) 841-4321.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories
REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory:* ERT.
Address: 300 Richmond Ave., Houston, TX 77098, Contact: Sandra Bialas, Phone: (713) 520-9900.

(2) *Laboratory:* Phillips Petroleum IH Lab.

Address: 267 Petroleum Lab, Bartlesville, OK 74004, Contact: Wanda Waugh, Phone: (918) 661-3648.

(3) *Laboratory:* Shell Development Co. IH Lab.

Address: P.O. Box 1380, Houston, TX 77251-1380, Contact: Donald H. Morman, Phone: (713) 493-7267.

(4) *Laboratory:* Southwest Research Institute.

Address: 6220 Culebra Rd., P.O. Box Drawer 28510, San Antonio, TX 78284, Contact: Jac Harding, Phone: (512) 684-5111.

(5) *Laboratory:* Technology Serving People, Inc.

Address: 5373 West Alabama, Suite 450, Houston, TX 77056, Contact: Janet Opre, Phone: (713) 621-9067.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII,

726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory:* St. Louis County Health Dept., Environmental Health Labs.

Address: 801 South Brentwood Blvd., Clayton, MO 63105, Contact: Wayne Black, Phone: (314) 854-6830.

(2) *Laboratory:* The University of Kansas.

Address: Facilities Operations Office of, Director, Lawrence, KS 66045, Contact: Thomas Anderson, Phone: (913) 864-4770.

(3) *Laboratory:* Univ. of Missouri - Kansas City.

Address: Dept. of Chemistry, Kansas City, MO 64110, Contact: Peter Lott, Phone: (816) 276-1555.

(4) *Laboratory:* Veterans Admin. (10BA5).

Address: 11124 South Towne Sq., St. Louis, MO 63123, Contact: Vince Llacer, Phone: (314) 892-7227.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory:* Aerojet Strategic Propulsion Co., Water Quality Control Lab. (NIST).

Address: P.O. Box 15699C, Sacramento, CA 95813, Contact: Jimmy Suarr, Phone: (916) 355-4000.

(2) *Laboratory:* Aerojet Tech Systems Company, Non-Metallics Testing Laboratory, (NIST).

Address: P.O. Box 13222, Dept. 9415, Sacramento, CA 95813, Contact: Jeanne Fischer, Phone: (916) 355-2786.

(3) *Laboratory:* Arizona Dept. of Health Svcs., State Lab.

Address: 1520 West Adams, Phoenix, AZ 85007, Contact: Thomas S. Davis, Phone: (602) 255-1188.

(4) *Laboratory:* Co. of Orange, Hlth. Care Agency.

Address: 1729 West 17th St., Bldg. 40, Santa Ana, CA 92706, Contact: J.R. Greenwood, Phone: (714) 834-8385.

(5) *Laboratory:* County of San Diego, Department of Health Services.

Address: P.O. Box 85261, San Diego, CA 92138-5261, Contact: Larry G. Marshall, Phone: (619) 236-4717.

(6) *Laboratory:* LA Unified School District, Employee Safety Section.

Address: 1425 South San Pedro St., Room 215, Los Angeles, CA 90015, Contact: Jeffrey Franklin, Phone: (213) 742-7371.

(7) *Laboratory:* Northrop Corp.

Address: One Northrop Ave., Dept. 1600/65, Hawthorne, CA 90250, Contact: Gary Sarkisian, Phone: (213) 970-2000.

(8) *Laboratory:* Timothy B. Hemming, City of LA, Dept. of Water & Power, (NIST).

Address: 1630 North Main St., Bldg. 7, Box 111, Los Angeles, CA 90051-0100, Contact: Timothy B. Hemming, Phone: (213) 481-6691.

EPA Extended Interim Accredited Amended Non-Commercial Laboratories

REGION X -- Seattle, WA

Regional Asbestos Coordinator: Walter Jasper, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101. (206) 442-4762, (FTS) 399-2870.

(1) *Laboratory:* EG & G Idaho, Inc., Environmental Support & Compliance.

Address: P.O. Box 1625, Idaho Falls, ID 83415, Contact: Timothy J. MacDonald, Phone: (208) 526-2360.

(2) *Laboratory:* Puget Sound Naval Shipyard (NIST).

Address: Code 134.1 Bldg. 453, Bremerton, WA 98314, Contact: C. Laubach, Supervisor, Phone: (206) 476-8900.

(3) *Laboratory:* Washington Department of Ecology.

Address: P.O. Box 346, Manchester, WA 98353-0346, Contact: Susan Davis, Phone: (206) 895-4740.

Dated: August 28, 1989.

Michael Shapiro,
Acting Director, Office of Toxic Substances.
[FR Doc. 89-20575 Filed 8-30-89; 8:45 am]
BILLING CODE 6560-50-T

Federal Register

**Thursday
August 31, 1989**

Part VI

Environmental Protection Agency

**Asbestos in Commercial and Public
Buildings; Notice of Public Meetings**

Project 15800

**ENVIRONMENTAL PROTECTION
AGENCY**

[OPTS-62080; FRL-3638-1]

**Asbestos in Public and Commercial
Buildings; Public Meetings****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Notice of public meetings.

SUMMARY: EPA will hold two public meetings in September 1989 on the issue of asbestos in public and commercial buildings. The purpose of these meetings will be to inform interested individuals about the progress of ongoing policy dialogue meetings on asbestos in public and commercial buildings and to provide an opportunity for these individuals to comment on the issues and recommendations being considered by the policy dialogue group.

DATES: The meetings are scheduled as follows:

1. September 6, 1989, 9 a.m. to 12:30 p.m., Kansas City, Missouri.
2. September 7, 1989, 9 a.m. to 12:30 p.m., San Francisco, California.

ADDRESSES: The meetings will be held at the following locations:

1. Kansas City—Hyatt Regency at Crown Center, 2345 McGee St., Kansas City, Missouri.
2. San Francisco—Holiday Inn Golden Gateway, 1500 Van Ness Ave., San Francisco, California.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director,
Environmental Assistance Division (TS-799), Office of Toxic Substances,
Environmental Protection Agency, Rm.
E545, 401 M St., SW., Washington, DC

20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:**I. Background**

To help determine the most appropriate response to take with respect to the issue of asbestos in public and commercial buildings, EPA has begun a policy dialogue with representatives from all groups which have a major interest in this issue. These groups include building owners, building workers, mortgage bankers, asbestos contractors and consultants, asbestos manufacturers, real estate interests, and insurance companies. Also included among the dialogue participants are representatives from the various Federal, State, and local organizations which have responsibility for the development and implementation of asbestos policies. In all, the dialogue group is comprised of approximately 35 invited participants and 12 invited observers. The Conservation Foundation is convening and facilitating this policy dialogue at EPA's request.

After an initial public meeting on May 3, 1989, three policy dialogue meetings have been held this summer in Washington, DC. The dates of these meetings were July 17, July 27-28, and August 22-23. Two additional dialogue meetings have been scheduled for October 3-4 and October 31, 1989. To date, the meetings have addressed the following four issue areas identified in the public meeting on May 3:

1. *Right-to-know* (i.e., the obligation of building owners to inspect their buildings for asbestos and notify their occupants of the results).

2. *Asbestos management options* (i.e., deciding how to manage building materials that are identified as asbestos-containing).

3. *Accreditation/training* (i.e., how to upgrade the quality of asbestos abatement personnel).

4. *Improperly performed removals* (i.e., how to ensure that asbestos removal work is performed properly).

In addition to the policy dialogue meetings described above, EPA plans to gain broader public involvement in the dialogue process by holding two additional public meetings in September 1989 (see above **DATES** unit) on the issue of asbestos in public and commercial buildings. The meetings in Kansas City and San Francisco on September 6 and September 7, respectively, are scheduled between the third and fourth policy dialogue meetings. The purpose of these two public meetings will be to inform interested individuals about the progress of the dialogue process and to provide them with an opportunity to comment on the issues being considered in the dialogue meetings. EPA believes that the comments made at these two meetings will be very useful to the dialogue group as it prepares for its final meetings.

II. Participants

All interested individuals and groups are invited to attend and to participate in the public meetings noted above in the **DATES** section.

Dated: August 25, 1989.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 89-20576 Filed 8-30-89; 8:45 am]

BILLING CODE 6560-50-M

Test Procedures for Refrigerators

Thursday
August 31, 1989

Part VII

Department of Energy

Office of Conservation and Renewable
Energy

10 CFR Part 430
Energy Conservation Program for
Consumer Products; Test Procedures for
Refrigerators, Refrigerator-Freezers and
Freezers; Final Rule

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-80-118]

Energy Conservation Program for Consumer Products; Test Procedures for Refrigerators, Refrigerator-Freezers and Freezers

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) hereby amends the test procedures for refrigerators, refrigerator-freezers, and freezers. Test procedures are one part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act (EPCA), as amended by the National Energy Conservation Policy Act (NECPA), the National Appliance Energy Conservation Act of 1987 (NAECA), and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988). Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

The purpose of today's final rule is to amend the test procedures for rating refrigerators, refrigerator-freezers and freezers with innovative features, such as variable defrost controls (VDC), dual compressor systems, and the quick freeze control.

EFFECTIVE DATE: February 27, 1989.

FOR FURTHER INFORMATION CONTACT:

Douglass S. Abramson, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station, CE-132, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station, GC-12, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Energy published a notice of proposed rulemaking in the *Federal Register* on September 26, 1988, to amend the test procedures for refrigerators, refrigerator-freezers, and freezers. 53 FR 37416. DOE proposed to establish test methods for these products that have innovative design features such as variable defrost

controls, dual compressor systems, and quick freezing controls. The proposal presented the various developments in the manufacture of refrigerators, refrigerator-freezers and freezers which have occurred since DOE last amended the test procedures on August 10, 1982. 47 FR 34517. The Department held a public hearing in Washington, DC, on November 7, 1988, and provided a 60 day comment period ending November 25, 1988.

Today's rule expands the coverage of the test procedures by establishing test procedures for variable defrost control refrigerator-freezers and freezers; dual compressor refrigerator-freezers; and freezers with the quick freeze option. The waivers granted to manufacturers by DOE for variable defrost controls will terminate on the effective date of today's rule.

II. Discussion

In response to the September 26, 1988, proposal, DOE received comments from manufacturers of refrigerators, refrigerator-freezers, and freezers. The issues raised by the comments are discussed below:

1. Variable Defrost Controls

The Whirlpool Corporation (Whirlpool) offered alternative values for the proposed limits for compressor "on" times CT_L and CT_M (CT_L is the least compressor "on" time between defrosts and CT_M is the maximum compressor "on" time between defrosts). Whirlpool stated that CT_L at 12 hours is too optimistic and that a value of eight hours would be more appropriate. Furthermore, Whirlpool maintained that the limit of CT_M at 84 hours is too pessimistic and should be raised to 144 hours. (Whirlpool, No. 10, at 2 and Testimony, at 10)¹. The Admiral Company (Admiral) supported the DOE method for calculating the compressor "on" time (CT). Admiral recommended that DOE also establish $CT_L = 12$ and $CT_M = 84$, as the default values² for demand defrost systems which do not have set values assigned in the algorithm³ used to determine the CT

value between defrosts. (Admiral, No. 12, at 1).

The National Institute of Standards and Technology (NIST) analyzed the comments on appropriate levels for CT_L and CT_M . The results of this effort were presented to DOE in a letter report dated December 20, 1988. NIST recommended that changes in the language establishing CT_L and CT_M be made as follows:

CT_L be less than or equal to 12 hours
 CT_M be less than or equal to 84 hours

This new language would allow manufacturers to use any value of CT_L as long as it was less than 12 hours. However, it still would limit CT_M to being no longer than 84 hours.

The Department proposed values (12, 84) as the least or quickest and the longest times between defrosts, respectively, provide a calculated CT value of 38.18 hours. Whirlpool's suggested limits (8, 144) provide a CT of 32.72 hours. Using only the lowest limit (8, 84) equals 28.96 hours. Using the highest maximum limits (12, 144) provides a CT of 45 hours. Although these values appear to differ by large amounts, it is important to note that the defrost energy is only seven percent of the annual energy consumption and the difference in CT values results in only a one percent change in annual energy consumption.

DOE believes that the one percent variance in energy consumption should allow for the adjustability of CT_L , the lower limit, and CT_M , the maximum limit for determining CT values. In evaluating the limits for CT_L and CT_M DOE has also considered the consumer benefit of variable defrost controls, i.e., the energy savings from eliminating unnecessary defrosts. Therefore, DOE is adopting a range for CT_L , such that CT_L is greater than or equal to six hours and less than or equal to twelve hours ($6 < CT_L < 12$ hours). Although, an upper limit for CT can shift, DOE considers Whirlpool's recommendation of 144 hours for CT_L , or a defrost once every 12 days as excessive. To provide a better maximum value, DOE has increased CT_M from 84 to 96 hours, making CT_M less than or equal to 96 hours ($CT_L < CT_M < 96$).

In response to the comments from Admiral, DOE is including in today's final rule the default values of $CT_L = CT_M = 84$ hours for use by manufacturers that have demand defrost systems with no assigned values for CT_L and CT_M .

Whirlpool also commented on the stringency of the confidence limits for the optional test for variable defrost controls, stating that even an error of 10

¹ Comments on the September 28, 1988, proposal were assigned docket numbers and are numbered consecutively beginning with No. 10. Comments presented at the November 7, 1988, public hearing are identified as Testimony.

² Default values are those values used in an equation or procedure when no specified value has been selected.

³ Algorithm-A mathematical rule or procedure for solving a problem.

percent would only result in a 0.7 percent change in the energy consumption. (Whirlpool, No. 10, at 2). Admiral agreed with the optional test method but urged that DOE adopt the Association of Home Appliance Manufacturers (AHAM) definition of a basic model to reduce the burden of testing.

DOE agrees with Whirlpool's statement and has, therefore, reduced the stringency limit from 95 percent confidence to 90 percent. The concept of a basic model is well-defined in the Act and the Code of Federal Regulations. Therefore, DOE is not revising the definition of a basic model.

2. Dual Compressor System Refrigerator-Freezers

The Sub Zero Company (Sub Zero) provided comments concerning the test procedures for dual compressor refrigerator-freezers. Sub Zero manufactures dual compressor system refrigerator-freezers equipped with only one automatic defrost system, for the freezer section. Sub Zero argued that the test procedures only evaluate refrigerator-freezers with dual compressors and dual automatic defrost systems. (Sub Zero, No.11, at 1; and Testimony, at 18).

Admiral expressed concern that the calculation of dual compressor system energy consumption as proposed would result in incorrect estimates. Admiral agreed with using the two-part method in section 4.1.2.1. However, Admiral believed that part 1 (normal operation without a defrost) should measure total energy and individual system energy consumption. Also, Admiral maintained that components such as fan motors, anti-sweat heaters, etc., should be assigned to a particular system and be included in the energy consumption for that system. (Admiral, No. 12, at 2). Admiral stated further that the second part of the test (defrost energy consumption) be performed separately for each system. Admiral recommended that DOE provide clearly for testing dual compressor systems equipped with a variable defrost control, recommending that the same method used to determine CT for single compressor systems be used for dual compressor systems with VDC. (Admiral, No. 12, at 4).

DOE has adopted language in today's final rule so that the test procedures distinguish between dual compressor refrigerator-freezers with dual or single automatic defrost systems. Furthermore, DOE has reviewed the calculation method for dual compressor systems and incorporated Admiral's suggestion to identify system components for split testing. The Department however,

disagrees with Admiral on the need to measure the systems separately for the first part of the test procedures. Since the first part of the test measures all energy consumed for normal operation, without defrost, it is DOE's opinion that the test measurements desired by Admiral would be burdensome and unnecessary. The measurement of the individual system components is of interest to the manufacturer and DOE for the evaluation of design options and system performance but the requirements of the test procedures are met without these measurements.

III. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of the September 26, 1988, notice of proposed rulemaking was submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of the proposal on the quality of the environment. The EPA, in its letter of January 18, 1989, supported the goals of this rulemaking and had no comments to offer concerning the specific test procedures.

Since test procedures under the energy conservation program for consumer products will be used only to standardize the measurement of energy usage and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. DOE, therefore, has determined that prescribing test procedures under the energy conservation program for consumer products clearly is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Consequently, neither an Environmental Statement nor an Environmental Assessment is required for the final rule.

IV. Review Under Executive Order 12291

The final rule has been reviewed in accordance with Executive Order 12291 which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. The Executive Order also requires that regulatory impact analyses be prepared for "major rules." The Executive Order defines "major rule" as any regulation that is likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government

agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The final rule amends already existing test procedures based in part on AHAM HRF-1-1979 for refrigerators, refrigerator-freezers, and freezers. DOE has determined that any burden imposed on any person, industry, or government entity by the amendment of extant procedures, based in part on commercial standards, is not sufficient to bring the final rule within the definition of "major rule."

V. Regulatory Flexibility Act

The Regulatory Flexibility Act, Public Law 96-345 (5 U.S.C. 601-612), requires that an agency prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." DOE certified in the notice of proposed rulemaking, and does so again, that the rule, which affects manufacturers of refrigerators, refrigerator-freezers, and freezers, will not have significant economic impact, but rather simply improves the test procedures. Therefore, DOE certifies that the final rule, as promulgated, will not have a "significant economic impact on a substantial number of small entities."

VI. "Takings" Assessment Review

Executive Order 12630 (53 FR 8859, March 18, 1988) directs that, in proposing a regulation, an agency conduct a "takings" review. Such a review is intended to assist agencies in avoiding unnecessary takings and help such agencies account for those takings that are necessitated by statutory mandate.

For purposes of the Order:

"Policies that have takings implications" refers to Federal regulations, proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, or other Federal policy statements that, if implemented or enacted, could effect a taking, such as rules and regulations that propose or implement licensing, permitting, or other condition requirements or limitations on private property use, or that required

dedications or exactions from owners of private property.

It appears that there are three parts of the appliance standards program that could conceivably be viewed as having "takings implications." These are testing (certification) requirements, the impacts of standard levels, and possible DOE testing of products for validation.

This rulemaking is concerned with the first part, namely testing. The Department believes that such a requirement does not constitute a "taking" of private property. The establishment of test procedures involves no exchange of property. Manufacturers maintain control of the property for all intents and purposes.

Therefore, the Department believes that the requirement of testing and the establishment of test procedures as part of the appliance standards program do not represent a "taking" under the provision of E.O. 12630.

VII. Federalism Assessment Review

Executive Order 12612 requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then E.O. 12612 requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a regulation or a rule.

The Department has concluded that the provisions of this final rule do not require a Federalism assessment for the purpose of E.O. 12612. The amendment of existing test procedures to incorporate methods of rating innovative designs for refrigerators, refrigerator-freezers, and freezers has no substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government.

List of Subjects in 10 CFR 430

Administrative practice and procedure, Energy conservation, Household appliances.

In consideration of the foregoing, The Department of Energy amends part 430 of chapter II of title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, DC, August 18, 1989.

John R. Berg,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 continues to read as follows:

Authority: Energy Policy and Conservation Act, Title III, part B, as amended by National Energy Conservation Policy Act, title IV, part 2, and National Appliance Energy Conservation Act of 1987, and by the National Appliance Energy Conservation Amendments of 1988, (42 U.S.C. 6291-6309).

2. Subpart B of part 430 is amended by adding sections 1.11, 3.3, 4.1.2.2, 4.1.2.3, 4.1.2.4, 5.2.1.3, 5.2.1.4, and 5.2.1.5 and adding a sentence at the end of sections 2.1, 3.2, 4.1.2, and 5.1.2 to Appendix A1 as follows:

Appendix A1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Electric Refrigerators and Electric Refrigerator-Freezers

1.11 "Variable defrost control" means a long-time automatic defrost system (except the 14-hour defrost qualification does not apply) where successive defrost cycles are determined by an operating condition variable or variables other than solely compressor operating time. This includes any electrical or mechanical device. Demand defrost is a type of variable defrost control.

2.1 * * * The ambient temperature shall be $80 \pm 2^\circ\text{F}$ dry bulb and $67 \pm 1^\circ\text{F}$ wet bulb during the stabilization period and during the test period when the unit is tested in accordance with section 3.3.

3.2 * * * Variable defrost control models: 5°F (-15°C) freezer compartment temperature and $38 \pm 2^\circ\text{F}$ fresh food compartment temperature during steady-state conditions with no door-openings. If both settings cannot be obtained, then test with the fresh food compartment temperature at $38 \pm 2^\circ\text{F}$ and the freezer compartment as close to 5°F as possible.

3.3 Variable defrost control optional test. After a steady-state condition is achieved, the optional test requires door-openings for 12 ± 2 seconds every 60 minutes on the fresh food compartment door and a simultaneous 12 ± 2 second freezer compartment door-opening occurring every 4th time, to obtain 24 fresh food and six freezer compartment door-openings per 24-hour period. The first freezer door-opening shall be simultaneous with the fourth fresh food door-opening. The doors are to be opened 60° to 90° with an average velocity for the leading edge of the door of approximately 2 ft./sec. Prior to the initiation of the door-opening sequence, the refrigerator defrost control mechanism may be re-initiated in order to minimize the test duration.

4.1.2 * * * If the model being tested has a variable defrost control, the provisions of

section 4.1.2.2 or 4.1.2.3 shall apply. If the model has a dual compressor system the provisions of 4.1.2.4 shall apply.

4.1.2.2 Variable defrost control. If the model being tested has a variable defrost control system, the test shall consist of three parts. Two parts shall be the same as the test for long-time automatic defrost (section 4.1.2.1). The third part is the optional test to determine the time between defrosts (section 5.2.1.3). The third part is used by manufacturers that choose not to accept the default value of F of 0.20, to calculate CT.

4.1.2.3 Variable defrost control optional test. After steady-state conditions with no door openings are achieved in accordance with section 3.3 above, the test is continued using the above daily door-opening sequence until stabilized operation is achieved. Stabilization is defined as a minimum of three consecutive defrost cycles with times between defrosts that will allow the calculation of a Mean Time Between Defrosts (MTBD1) that satisfies the statistical relationship of 90 percent confidence. The test is repeated on at least one more unit of the model and until the Mean Time Between Defrosts for the multiple unit tests (MTBD2) satisfies the statistical relationship. If the time between defrosts is greater than 96 hours (compressor "on" time) and this defrost period can be repeated on a second unit, the test may be terminated at 96 hours (CT) and the absolute time value used for MTBD for each unit.

4.1.2.4 Dual compressor systems with automatic defrost. If the model being tested has separate compressor systems for the refrigerator and freezer sections, each with its own automatic defrost system, then the two-part method in 4.1.2.1 shall be used. The second part of the method will be conducted separately for each automatic defrost system. The auxiliary components (fan motors, anti-sweat heaters, etc.) will be identified for each system and the energy consumption measured during each test.

5.1.2 * * * For models equipped with variable defrost controls, compartment temperatures shall be those measured in the first part of the test period specified in 4.1.2.2 above.

5.2.1.3 Variable defrost control. The energy consumption in kilowatt-hours per day shall be calculated equivalent to:

$$ET = (1440 \times EP1/T1) + (EP2 - (EP1 \times T2/T1)) \times (12/CT) \text{ where } 1440 \text{ is defined in } 5.2.1.1 \text{ and } EP1, EP2, T1, T2 \text{ and } 12 \text{ are defined in } 5.2.1.2$$

$$CT = CT_L \times CT_M / (F \times (CT_M - CT_L) + CT_L)$$

CT_L = least or shortest time between defrosts in tenths of an hour (greater than or equal to six but less than or equal to 12 hours)

CT_M = maximum time between defrost cycles in tenths of an hour (greater than CT_L but not more than 96 hours)

F = ratio of per day energy consumption in excess of the least energy and the maximum difference in per day energy consumption and is equal to

$F = (1/CT - 1/CT_M)/(1/CT_L - 1/CT_M) = (ET - ET_L)/(ET_M - ET_L)$ or 0.20 in lieu of testing to find CT.

ET_L = least electrical energy used (kilowatt hours)

ET_M = maximum electrical energy used (kilowatt hours). For demand defrost models with no values for CT_L and CT_M in the algorithm the default values of 12 and 84 shall be used, respectively.

5.2.1.4 Optional test method for variable defrost controls.

$CT = MTBD \times 0.5$

where:

MTBD = mean time between defrosts

$$MTBD = \frac{\sum X}{N}$$

where:

X = in time between defrost cycles

N = number of defrost cycles

5.2.1.5 Dual compressor systems with dual automatic defrost. The two-part test method in section 4.1.2.2 must be used, the energy consumption in kilowatt per day shall be calculated equivalent to:

$$ET = (1440 \times EP_1/T_1) + (EP_2 - (EP_1 \times T_2/T_1)) \times 12/CT_F + (EP_2 - (EP_1 \times T_3/T_1)) \times 12/CT_R$$

Where 1440, EP_1 , T_1 , EP_2 , 12, and CT are defined in 5.2.1.2

EP_1 = energy expended in kilowatt-hours during the second part of the test for the freezer system by the freezer system.

EP_2 = total energy expended during the second part of the test for the freezer system.

EP_R = energy expended in kilowatt-hours during the second part of the test for the refrigerator system by the refrigerator system.

EP_2 = total energy expended during the second part of the test for the refrigerator system.

T_2 and T_3 = length of time in minutes of the second test part for the freezer and refrigerator systems respectively.

CT_F = compressor "on" time between freezer defrosts (tenths of an hour).

CT_R = compressor "on" time between refrigerator defrosts (tenths of an hour).

3. Subpart B of part 430 is amended by adding sections 1.10, 1.11, 3.3, 4.1.2.2, 4.1.2.3, 5.2.1.3, and 5.2.1.4 and adding a sentence to the end of sections 2.1, 2.2, 3.1, 3.2, 4.1.2, and 5.1.2 to Appendix B1 as follows:

Appendix B1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Freezers

1.10 "Variable defrost control" means a long-time automatic defrost system (except

the 14-hour defrost qualification does not apply) where successive defrost cycles are determined by an operating condition variable or variables other than solely compressor operating time. This includes any electrical or mechanical device. Demand defrost is a type of variable defrost control.

1.11 "Quick freeze" means an optional feature on freezers which is initiated manually and shut off manually. It bypasses the thermostat control and places the compressor in a steady-state operating condition until it is shut off.

2.1 * * * The ambient temperature shall be $80 \pm 2^\circ\text{F}$ dry bulb and 67°F wet bulb during the stabilization period and during the test period when the unit is tested in accordance with section 3.3.

2.2 * * * The quick freeze option shall be switched off unless specified.

3.1 * * * If the model has the quick freeze option, it is to be used to bypass the temperature control.

3.2 * * * Variable defrost control models shall achieve $0 \pm 2^\circ\text{F}$ during the steady-state conditions prior to the optional test with no door openings.

3.3 Variable defrost control optional test. After a steady-state condition is achieved, the door-opening sequence is initiated with an 18 ± 2 second freezer door-opening occurring every eight hours to obtain three door-openings per 24-hour period. The first freezer door-opening shall occur at the initiation of the test period. The door(s) are to be opened 60 to 90° with an average velocity for the leading edge of the door of approximately two feet per second. Prior to the initiation of the door-opening sequence, the freezer defrost control mechanism may be re-initiated in order to minimize the test duration.

4.1.2 * * * If the model being tested has a variable defrost control the provisions of 4.1.2.2. shall apply.

4.1.2.2 Variable defrost control. If the model being tested has a variable defrost control system, the test shall consist of three parts. Two parts shall be the same as the test for long-time automatic defrost in accordance with section 4.1.2.1 above. The third part is the optional test to determine the time between defrosts (5.2.1.3). The third part is used by manufacturers that choose not to accept the default value of F of 0.20, to calculate CT.

4.1.2.3 Variable defrost control optional test. After steady-state conditions with no door-openings are achieved in accordance with section 3.3 above, the test is continued using the above daily door-opening sequence until stabilized operation is achieved. Stabilization is defined as a minimum of three consecutive defrost cycles with times

between defrost that will allow the calculation of a Mean Time Between Defrosts (MTBD1) that satisfies the statistical relationship of 90 percent confidence. The test is repeated on at least one more unit of the model and until the Mean Time Between Defrosts for the multiple unit test (MTBD2) satisfies the statistical relationship. If the time between defrosts is greater than 96 hours (compressor "on" time) and this defrost period can be repeated on a second unit, the test may be terminated at 96 hours (CT) and the absolute time value used for MTBD for each unit.

5.1.2 * * * For models equipped with variable defrost controls, compartment temperatures shall be those measured in the first part of the test period specified in 4.1.2.2.

5.2.1.3 Variable defrost control. The energy consumption in kilowatt-hours per day shall be calculated equivalent to:

$$ET = (1440 \times EP_1/T_1) + (EP_2 - (EP_1 \times T_2/T_1)) \times (12/CT) \text{ where } 1440 \text{ is defined in } 5.2.1.1 \text{ and } EP_1, EP_2, T_1, T_2 \text{ and } 12 \text{ are defined in } 5.2.1.2.$$

$$CT = (CT_L \times CT_M)/(F \times (CT_M - CT_L) + CT_L) \text{ where:}$$

CT_L = least or shortest time between defrost in tenths of an hour (greater than or equal to 6 hours but less than or equal to 12 hours, $6 < L < 12$)

CT_M = maximum time between defrost cycles in tenths of an hour (greater than CT_L but not more than 96 hours, $CT_L < CT_M < 96$)

F = ratio of per day energy consumption in excess of the least energy and the maximum difference in per day energy consumption and is equal to

$$F = (1/CT - 1/CT_M)/(1/CT_L - 1/CT_M) = (ET - ET_L)/(ET_M - ET_L) \text{ or } 0.20 \text{ in lieu of testing to find CT}$$

ET_L = least electrical energy consumed, in kilowatt hours

ET_M = maximum electrical energy consumed, in kilowatt hours

For demand defrost models with no values for CT_L and CT_M in the algorithm the default values of 12 and 84 shall be used, respectively.

5.2.1.4 Variable defrost control optional test. Perform the optional test for variable defrost control models to find CT.

$$CT = MTBD \times 0.5$$

MTBD = mean time between defrost

$$MTBD = \frac{\sum X}{N}$$

X = time between defrost cycles

N = number of defrost cycles

[FR Doc. 89-20537 Filed 8-30-89; 8:45 am]

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Register of Federal Laws

**Thursday
August 31, 1989**

Part VIII

Department of the Interior

Minerals Management Service

30 CFR Part 250

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Proposed Rule

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010-AB23

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends rules governing oil and gas and sulphur operations in the Outer Continental Shelf (OCS) to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico (GOM) OCS Region. The proposed rule applies to all OCS Regions and creates a new Subpart P entitled "Sulphur Operations."

DATES: Comments must be hand delivered or postmarked no later than October 30, 1989.

ADDRESSES: Written comments must be mailed or hand delivered to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 646; Herndon, Virginia 22070; Attention: Gerald D. Rhodes.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, telephone (703) 787-1600 or (FTS) 393-1600.

SUPPLEMENTARY INFORMATION: The Minerals Management Service (MMS) issued a notice of proposed rulemaking on March 18, 1986 (51 FR 9316), to consolidate, update, and restructure rules governing oil, gas, and sulphur operations in the OCS. Two of the comments received in response to the proposed rule suggested a need for requirements which would specifically address sulphur operations in the OCS. One of the commenters suggested specific provisions which should be included in rules governing sulphur operations, and the other recommended that rules governing sulphur operations be subject to public comment prior to publication of the final rule.

Sulphur leasehold activities in the OCS are currently managed by requiring compliance with the regulations in 30 CFR part 250, OCS Order No. 10 for the GOM Region, and review of Exploration and Development and Production Plans on a case-by-case basis. While this approach has been an effective means of providing for safety in operations and

protection of the environment, MMS now proposes to issue rules which address sulphur operations with more specificity. The proposed rule, published March 1986, would have rescinded OCS Order No. 10 and relied entirely on the revised provisions of 30 CFR Part 250. It was subsequently determined that OCS Order No. 10 should remain in effect during the development of a revised Subpart P of 30 CFR Part 250 to address sulphur exploration, development, and production operations with more specificity.

Description of Proposed Rule

The following summarizes the main changes being proposed:

1. The definition of exploration in § 250.2, Definitions, in subpart A, would be modified to incorporate sulphur exploration.
2. The requirements in § 250.10, Suspension of production or other operations, in subpart A, would be changed to add criteria for the suspension of sulphur production.
3. A provision would be added in § 250.14, Reinjection and subsurface storage of gas, in subpart A, to insure that gas is not reinjected or stored in a cap rock of a salt dome that is known to contain sulphur.
4. In subpart C, two sections, Oil spill contingency plans (§ 25.42) and Training and drills (§ 250.43), would be amended to specify that sulphur operations are included in the scope of these requirements.
5. In subpart M, a new paragraph would be added to § 250.194, Model unit agreements, to provide for modification of the model unit agreements to cover the authorization of sulphur operations.
6. A new subpart P, Sulphur Operations, would be added to 30 CFR part 250. The requirements of that subpart would be applicable to all activities conducted under a sulphur lease. The requirements of subpart P of 30 CFR part 250 would include development and production of other minerals used in the exploration for or production of sulphur. The proposed regulations would not authorize a lessee to produce other minerals (e.g., salt) if the lessee is not otherwise authorized to do so.
7. General provisions are included in subpart P to provide a performance standard, specific definitions pertaining to sulphur operations, and requirements for equipment movement, operations in a hydrogen sulfide (H_2S) environment, welding and burning, electrical equipment, structures on fixed platforms, diesel engine shutdown devices, traveling block safety devices, and field rules.

8. The sulphur operators would continue to be required to comply with subparts A, B, C, G, I, J, M, N, and O. Sulphur operators would also be required to comply with those provisions of subparts D, E, F, H, K, and L that are referenced in subpart P.

9. Subpart P includes requirements pertaining to sulphur drilling operations (§§ 250.260 through 250.274). These requirements generally are similar to requirements for oil and gas operations and have been included in subpart P to the extent necessary to recognize the difference between oil and gas drilling operations and sulphur drilling operations.

10. Subpart P includes requirements pertaining to well-completion and well-workover operations (§§ 250.280 through 250.286). These requirements generally parallel the requirements pertaining to oil and gas in subparts E and F and have been included in subpart P to the extent necessary to recognize the difference between oil and gas well-completion and well-workover operations and sulphur well-completion and well-workover operations.

11. Subpart P includes requirements for production of sulphur (§§ 250.290 through 250.297). These requirements address safety in sulphur production as well as production rates, accurate production measurement, and site security. The subject of production measurement would be addressed on a case-by-case basis by requiring the lessee to submit a proposed measurement system to the Regional Supervisor for approval.

Comments are requested concerning the rules being proposed to address sulphur operations. Comments are specifically requested with regard to the provisions which would require workers involved in drilling operations to receive the same training as for oil and gas operations while workers engaged in well-completions, well-workovers, and production operations would be required to be trained to meet more general training requirements (e.g., proposed §§ 250.281 and 250.294). Are more specific requirements needed for training of well-completion, well-workover, and production workers?

Comments and recommendations are also invited that discuss:

1. Specific differences between sulphur well-drilling operations and oil and gas well-drilling operations and the way in which MMS's regulations should handle those differences;
2. The fact that H_2S is present in sulphur-bearing formations and the procedures that the sulphur industry has

developed to protect its personnel from H₂S; and

3. The differences between the use of casing strings in sulphur wells and the use of casing strings in oil and gas wells, together with a discussion of the casing requirements appropriate for wells used in the production of sulphur.

Portions of proposed subpart P are specifically applicable to drilling operations or to well-completion and well-workover operations. One commenter had stated that the break between these operations is not as distinct as for oil and gas. Should drilling requirements and well-completion and well-workover requirements be combined and have fewer differences?

The main effect of the creation of subpart P is to more clearly identify requirements for sulphur operations. In the absence of the creation of subpart P, the requirements are already in place but require interpretation to see how requirements used primarily for oil and gas operations apply to sulphur operations. Accordingly, this proposed rule is not expected to cause an increase in costs or prices to consumers, other industries, or Government entities.

Executive Order 12291

The Department of the Interior (DOI) has determined that this document does not constitute a major rule under Executive Order 12291 because it will not result in a cost impact of more than \$100 million annually. A decision to relocate and establish sulphur regulations in this new subpart P resulted from the recent revision and consolidation of all offshore operating rules. Most of the provisions of this rule were previously located in other subparts of part 250 pertaining to oil, gas, and sulphur operations and do not represent new or added requirements. Therefore, a Regulatory Impact Analysis is not required.

Executive Order 12630

The DOI certifies that the proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Taking Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

National Environmental Policy Act

The MMS has determined that this action does not constitute a major Federal action affecting the quality of

the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Regulatory Flexibility Act

The DOI has also determined that this document will not have a significant economic effect on a substantial number of small entities because, in general, the entities that engage in activities offshore are not considered small due to the technical complexities and financial resources necessary to conduct such activities.

Paperwork Reduction

The collections of information contained in this rule have been submitted to the Office of Management and Budget (OMB) for approval under 44 U.S.C. 3501 *et seq.* The collection of this information will continue to be required under existing authorizations for collections of information required by other subparts of 30 CFR Part 250 until its collection under Subpart P has been approved by OMB.

Public reporting burden for this collection of information is estimated to average 6.9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Bureau Clearance Officer, Minerals Management Service, Mail Stop 632, 381 Elden Street, Herndon, Virginia 22070, and the Office of Management and Budget, Paperwork Reduction Project (1010-xxxx), Washington, DC 20503.

Authors

The principal authors of this proposed rule are John D. Borne, John V. Mirabella and Mary B. McDonald.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporated by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands-mineral resources, Public lands-right-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: March 15, 1989.

Thomas Gernhofer,
Acting Director, Minerals Management Service.

For the reasons set forth in the preamble, it is proposed that OCS Order No. 10, Sulphur Drilling Procedures, issued by the GOM Region be rescinded and that part 250 of title 30 of the Code of Federal Regulations be amended as follows:

1. OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region, is rescinded.

PART 250—[AMENDED]

2. The authority citation for Part 250 continues to read as follows:

Authority: Sec. 204, Public Law 95-372, 92 Stat. 629 (43 U.S.C. 1334).

3. Section 250.0 is amended by adding paragraph (x) to read as follows:

§ 250.0 Authority for information collection.

(x) The information collection requirements in Subpart P, Sulphur Operations, have been approved by OMB under 44 U.S.C. 3501 *et seq.* and assigned clearance no. _____. The information is collected to inform MMS about sulphur exploration and development operations in the OCS. The information concerns activities to discover, define, develop, produce, store, measure, and transport sulphur and is used to assure that leasehold operations comply with statutory requirements provided for operational safety and environmental protection and will result in proper and timely operations on OCS sulphur leases. The requirement to respond is mandatory in accordance with 43 U.S.C. 1334.

4. Section 250.2 is amended to revise the definition of exploration as follows:

§ 250.2 Definitions.

Exploration means the process of searching for minerals, including:

(1) Geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such minerals;

(2) Any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery that is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production; and

(3) Any drilling for sulphur, including the drilling of a well which indicates that a sulphur deposit is present and the drilling of additional delineation wells needed to outline the sulphur deposit and enable the lessee to determine whether to proceed with development and production operations.

5. Section 250.10 is amended to redesignate paragraph (d) as paragraph (d)(1) and to add a new paragraph (d)(2) to read as follows:

§ 250.10 Suspension of production or other operations.

(d) * * *

(2) For sulphur operations, a suspension of production pursuant to paragraph (a)(1), (a)(2), or (a)(3) of this section may not be issued unless a deposit on the lease for which the suspension is requested has been drilled and determined to be producible in paying quantities in accordance with 30 CFR 250.253.

6. Section 250.14 is amended to add a new paragraph (f) to read as follows:

§ 250.14 Reinjection and subsurface storage of gas.

(f) Reinjection or storage of gas will not be approved when the gas is to be injected into the cap rock of a salt dome known to contain a sulphur deposit.

7. Section 250.32(a) is revised to read as follows:

§ 250.32 Well location and spacing.

(a) The Regional Supervisor is authorized to approve well location and spacing programs necessary for exploration and development of a leased sulphur deposit or fluid hydrocarbon reservoir giving consideration to, among other factors, the location of drilling units and platforms, area extent and thickness of the sulphur deposit, geological and other reservoir characteristics, number of wells that can be economically drilled, protection of correlative rights, minimization of risk to the environment, and unreasonable interference with other uses of the OCS. Well location and spacing programs shall be determined independently for each leased sulphur deposit or reservoir in a manner which will locate wells in the optimum position for the most effective production of sulphur or reservoir fluids and avoid the drilling of unnecessary wells.

8. In § 250.34, paragraph (b)(5) and (b)(8)(i)(B) are revised; paragraphs (b)(9) through (b)(15) are redesignated as paragraphs (b)(11) through (b)(17); and

new paragraphs (b)(9) and (b)(10) are added to read as follows:

§ 250.34 Development and production plan.

(b) * * *

(5)(i) A description of technology and reservoir engineering practices intended to increase the ultimate recovery of oil and gas; i.e., secondary, tertiary, or other enhanced recovery practices, or

(ii) A description of technology and recovery practices and procedures intended to assure optimum recovery of sulphur,

(8) * * *

(i) * * *

(B) The means proposed for transportation of oil, gas, and sulphur to shore; the routes to be followed by each mode of transportation; and the estimated quantities of oil, gas, and sulphur to be moved along such routes.

(9) For sulphur operations, the degree of subsidence that is expected at various stages of production, and measures that will be taken to assure safety and protection of the environment. Special attention shall be given to the effects of subsidence on fixed structures and pipelines.

(10) For sulphur operations, a discussion of the potential toxic or thermal effects on the environment caused by the discharge of bleed water, including a description of the measures that will be taken into account to mitigate these impacts.

10. In § 250.40 the introductory text of paragraph (a) is revised to read as follows:

§ 250.40 Pollution prevention.

(a) During the exploration, development, production, and transportation of oil and gas or sulphur, the lessee shall take measures to prevent unauthorized discharge of pollutants into the offshore waters. The lessee shall not create conditions which will pose unreasonable risk to public health, life, property, aquatic life, wildlife, recreation, navigation, commercial fishing, or other uses of the ocean.

11. In § 250.42, the first sentence in the introductory paragraph is revised to read as follows:

§ 250.42 Oil spill contingency plans.

Lessees conducting oil, gas, oil and gas, or sulphur operations in the OCS shall submit an Oil Spill Contingency Plan (OSCP) for approval by the

Regional Supervisor with or prior to submitting an Exploration Plan or a Development and Production Plan. * * *

12. In § 250.43, the first sentence in paragraph (a) is revised to read as follows:

§ 250.43 Training and drills.

(a) Lessees conducting oil, gas, oil and gas, or sulphur operations in the OCS shall ensure that the oil spill response team is provided with hands-on training classes at least annually in the deployment and operation of the pollution control equipment to which they are assigned. * * *

13. The titles to subparts D, E, F, H, K, and L of Part 250 are revised to read as follows:

Subpart D—Oil and Gas Drilling Operations

Subpart E—Oil and Gas Well-Completion Operations

Subpart F—Oil and Gas Well-Workover Operations

Subpart H—Oil and Gas Production Safety Systems

Subpart K—Oil and Gas Production Rates

Subpart L—Oil and Gas Production Measurement, Surface Commingling, and Security

14. In § 250.154 paragraph (b)(1) is redesignated as paragraph (b)(1)(i) and republished, and a new paragraph (b)(1)(ii) is added to read as follows:

§ 250.154 Safety equipment requirements for DOI pipelines.

(b)(1)(i) Incoming pipelines to a platform shall be equipped with a flow safety valve (FSV).

(ii) For sulphur operations, incoming pipelines delivering gas to the power plant platform may be equipped with high- and low-pressure sensors (PSHL) which activate audible and visual alarms in lieu of requirements in paragraph (b)(1)(i) of this section. The PSHL shall be set at 15 percent above and below the normal operating pressure range.

15. In § 250.190 paragraph (c) is revised to read as follows:

§ 250.190 Authority and requirements for unitization.

(c) A unit area shall include the minimum number of leases or portion of leases required to permit one or more mineral reservoirs or potential hydrocarbon accumulations to be served by a minimum number of platforms, facility installations, and wells necessary for the efficient exploration for, or development and production of oil, gas, sulphur, and salt.

16. Section 250.194 is amended to add a paragraph (c) to read as follows:

§ 250.194 Model unit agreements.

(c) Model unit agreement for sulphur operations. Lessees conducting sulphur operations shall modify the model unit agreements found in paragraphs (a) and (b) of this section as appropriate for use with sulphur operations. Proposed unit agreements shall be submitted to MMS in accordance with § 250.192 or § 250.193 of this part.

17. Subpart P of Part 250 is revised to read as follows:

Subpart P—Sulphur Operations

- Sec.
- 250.250 Performance standard.
 - 250.251 Definitions.
 - 250.252 Applicability.
 - 250.253 Determination of sulphur deposit.
 - 250.254 General requirements.
 - 250.260 Drilling requirements.
 - 250.261 Control of wells.
 - 250.262 Field rules.
 - 250.263 Well casing and cementing.
 - 250.264 Pressure testing of casing.
 - 250.265 Blowout preventer systems and system components.
 - 250.266 Blowout preventer systems tests, actuations, inspections, and maintenance.
 - 250.267 Well-control drills.
 - 250.268 Diverter systems.
 - 250.269 Mud program.
 - 250.270 Security of wells.
 - 250.271 Supervision, surveillance, and training.
 - 250.272 Applications for permit to drill.
 - 250.273 Sundry notices and reports on wells.
 - 250.274 Well records.
 - 250.280 Well-completion and well-workover requirements.
 - 250.281 Crew instructions.
 - 250.282 Approvals and reporting of well-completion and well-workover operations.
 - 250.283 Well-control fluids, equipment, and operations.
 - 250.284 Blowout prevention equipment.
 - 250.285 Blowout preventer system testing, records, and drills.
 - 250.286 Tubing and wellhead equipment.
 - 250.290 Production requirements.
 - 250.291 Design, installation, and operation of surface production safety systems.

Sec.

- 250.292 Additional production system requirements.
- 250.293 Safety-system testing and records.
- 250.294 Safety device training.
- 250.295 Production rates.
- 250.296 Production measurement.
- 250.297 Site security.

Subpart P—Sulphur Operations**§ 250.250 Performance standard.**

Operations to discover, develop, and produce sulphur in the OCS shall be in accordance with an approved Exploration Plan or Development and Production Plan and shall be conducted in a manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the OCS including any mineral deposits (in areas leased or not leased), the national security or defense, and the marine, coastal, or human environment.

§ 250.251 Definitions.

Terms used in this subpart shall have the meanings as defined below:

Bleedwater means a mixture of mine water or booster water and connate water that is produced by a bleedwell.

Bleedwell means a well drilled into a producing sulphur deposit that is used to control the mine pressure generated by the injection of mine water.

Brine means the water containing dissolved salt obtained from a brine well by circulating water into and out of a cavity in the salt core of a salt dome.

Brine well means a well drilled through cap rock into the core at a salt dome for the purpose of producing brine.

Cap rock means the rock formation, a body of limestone, anhydride, and/or gypsum, overlying a salt dome.

Sulphur deposit means a formation of rock which contains elemental sulphur.

Sulphur production rate means the number of long tons of sulphur produced during a certain period of time, usually per day.

§ 250.252 Applicability.

(a) The requirements of this subpart P are applicable to all exploration, development, and production operations under an OCS sulphur lease. Sulphur operations include all activities conducted under a lease for the purpose of discovery or delineation of a sulphur deposit and for the development and production of elemental sulphur. Sulphur operations also include activities conducted for related purposes. Activities conducted for related purposes include, but are not limited to, production of other minerals for use in the exploration for or the development and production of sulphur. The lessee must have obtained the right to produce

and use these other minerals in its sulphur operations.

(b) Lessees conducting sulphur operations in the OCS shall comply with the requirements of the applicable provisions of subparts A, B, C, G, I, J, M, N, and O of this part.

(c) Lessees conducting sulphur operations in the OCS are also required to comply with the requirement in the applicable provisions of subparts D, E, F, H, K, and L of this part where such provisions specifically are referenced in this subpart.

§ 250.253 Determination of sulphur deposit.

(a) Upon receipt of a written request from the lessee, the District Supervisor will determine whether a sulphur deposit exists in paying quantities (sulphur quantities sufficient to yield a return in excess of the costs, after completion of the wells, of producing minerals at the wellheads).

(b) The following shall be considered collectively as reliable evidence that a sulphur deposit is capable of producing in paying quantities:

(1) Core analyses which indicate the presence of a producible sulphur deposit (including an assay of elemental sulphur);

(2) An estimate of the amount of recoverable sulphur in long tons over a specified period of time; and

(3) Contour map of the cap rock together with isopach map showing the areal extent and estimated thickness of the sulphur deposit.

§ 250.254 General requirements.

Sulphur lessees shall comply with requirements of this section when conducting well-drilling, well-completion, well-workover, or production operations.

(a) *Equipment movement.* The movement of well-drilling, well-completion, or well-workover rigs and related equipment on and off an offshore platform, or from one well to another well on the same offshore platform, including rigging up and rigging down, shall be conducted in a safe manner.

(b) *Hydrogen sulfide (H₂S).* When drilling, well-completion, well-workover, or production operation is being conducted on a well in zones known to contain H₂S or in zones where the presence of H₂S is unknown (as defined in 30 CFR 250.67 of this part), the lessee shall take appropriate precautions to protect life and property especially during operations such as dismantling wellhead equipment and flow lines and circulating the well. The lessee shall comply with the requirements in § 250.67

of this part as well as the requirements of this subpart.

(c) *Welding and burning practices and procedures.* All welding, burning, and hot-tapping activities involved in drilling, well-completion, or well-workover operations shall be conducted with well-maintained equipment, trained personnel, and appropriate procedures in order to minimize the danger to life and property according to the specific requirements in § 250.52 of this part.

(d) *Electrical requirements.* All electrical equipment and systems involved in drilling, well-completion, well-workover, and production operations shall be designed, installed, equipped, protected, operated, and maintained so as to minimize the danger to life and property in accordance with the requirements of § 250.53 of this part.

(e) *Structures on fixed OCS platforms.* Derricks, masts, substructures and related equipment shall be selected, designed, installed, used, and maintained so as to be adequate for the potential loads and conditions of loading that may be encountered during the operations. Prior to moving a well-drilling, well-completion, or well-workover rig or associated equipment onto a platform, the lessee shall determine the structural capability of the platform to safely support the equipment and operations taking into consideration the corrosion protection, platform age, and previous stresses.

(f) *Traveling-block safety device.* After 1 year following the effective date of these regulations, all units being used for drilling, well-completion, or well-workover operations that have both a traveling block and a crown block shall be equipped with a safety device which is designed to prevent the traveling block from striking the crown block. The device shall be checked for proper operation weekly and after each drill-line slipping operation. The results of the operational check shall be entered in the operations log.

§ 250.260 Drilling requirements.

(a) Lessees of OCS sulphur leases shall conduct drilling operations in accordance with §§ 250.260 through 250.274 of this subpart and with other requirements of this part as appropriate.

(b) *Fitness of drilling unit.*

(1) Drilling units shall be capable of withstanding the oceanographic and meteorological conditions for the proposed season and location of operations.

(2) Prior to commencing operation, drilling units shall be made available for a complete inspection by the District Supervisor.

(3) The lessee shall provide information and data on the fitness of the drilling unit to perform the proposed drilling operation. The information shall be submitted with, or prior to, the submission of Form MMS-331C, Application for Permit to Drill (APD), in accordance with § 250.272 of this subpart. After a drilling unit has been approved by an MMS district office, the information required in this paragraph need not be resubmitted unless required by the District Supervisor or there are changes in the equipment that affect the rated capacity of the unit.

(c) *Oceanographic, meteorological, and drilling unit performance data.* Where oceanographic, meteorological, and drilling unit performance data are not otherwise readily available, lessees shall collect and report such data upon request to the District Supervisor. The type of information to be collected and reported will be determined by the District Supervisor in the interests of safety in the conduct of operations and the structural integrity of the drilling unit.

(d) *Foundation requirements.* When the lessee fails to provide sufficient information pursuant to §§ 250.33 and 250.34 of this part to support a determination that the seafloor is capable of supporting a specific bottom-founded drilling unit under the site-specific soil and oceanographic conditions, the District Supervisor may require that additional surveys and soil borings be performed and the results be submitted for review and evaluation by the District Supervisor before approval is granted for commencing drilling operations.

(e) *Tests, surveys, and samples.* (1) Lessees shall drill and take cores through the objective interval to determine the presence, quality, and quantity of sulphur in the cap rock and the outline of the commercial sulphur deposit.

(2) Inclination surveys shall be obtained on all vertical wells at intervals not exceeding 1,000 feet during the normal course of drilling. Directional surveys giving both inclination and azimuth shall be obtained on all directionally drilled wells at intervals not exceeding 500 feet during the normal course of drilling and at intervals not exceeding 200 feet in all planned angle-change portions of the borehole.

(3) Directional surveys giving both inclination and azimuth shall be obtained on both vertically and directionally drilled wells at intervals not exceeding 500 feet prior to or upon setting a string of casing, or production liner, and at total depth. Composite directional surveys shall be prepared

with the interval shown from the bottom of the conductor casing. In calculating all surveys, a correction from the true north to Universal-Transverse-Mercator-Grid-north or Lambert-Grid-north shall be made after making the magnetic-to-true-north correction. A composite dipmeter directional survey or a composite measurement-while-drilling (MWD) directional survey will be acceptable as fulfilling the applicable requirements of this paragraph.

(4) Wells are classified as vertical if the calculated average of inclination readings weighted by the respective interval lengths between readings from surface to drilled depth does not exceed 3 degrees from the vertical. When the calculated average inclination readings weighted by the length of the respective interval between readings from the surface to drilled depth exceeds 3 degrees, the well is classified as directional.

(5) At the request of a holder of an adjoining lease, the Regional Supervisor may, for the protection of correlative rights, furnish a copy of the directional survey to that leaseholder.

(f) *Fixed drilling platforms.* Applications for installation of fixed drilling platforms or structures including artificial islands shall be submitted in accordance with the provisions of subpart I, Platforms and Structures, of this part. Mobile drilling units which have their jacking equipment removed or have been otherwise immobilized are classified as fixed drilling platforms.

(g) *Crane Operations.* Cranes installed on fixed drilling platforms shall be operated and maintained in accordance with the provisions of American Petroleum Institute (API) Recommended Practice (RP) for Operation and Maintenance of Offshore Cranes (API RP 2D) to ensure the safety of facility operations. Records of inspection, testing, maintenance, and crane operators qualified in accordance with the provisions of API RP 2D shall be kept by the lessee at the lessee's field office nearest the OCS facility for a period of 2 years.

(h) *Diesel engine air intakes.* No later than 1 year from the effective date of these regulations, diesel-engine air intakes shall be equipped with a device to shut down the diesel engine in the event of runaway. Diesel engines which are continuously attended shall be equipped with either remote-operated manual or automatic shutdown devices. Diesel engines which are not continuously attended shall be equipped with automatic shutdown devices.

§ 250.261 Control of wells.

The lessee shall take necessary precautions to keep its wells under control at all times. Operations shall be conducted in a safe and workmanlike manner. The lessee shall utilize the best available and safest drilling technology and state-of-the-art methods to evaluate and minimize the potential for the well to flow and kick if gas is present in the upper formations above cap rock. The lessee shall utilize personnel who are trained and competent and shall utilize and maintain equipment and materials necessary to assure the safety and protection of personnel, equipment, natural resources, and the environment.

§ 250.262 Field rules.

When geological and engineering information in a field enables a District Supervisor to determine specific operating requirements, field rules may be established for drilling, well-completion, or well-workover on the District Supervisor's initiative or in response to a request from a lessee, such rules may modify the specific requirements of this subpart. After field rules have been established, operations in the field shall be conducted in accordance with such rules and other requirements of this subpart. Field rules may be amended or canceled for cause at any time upon the initiative of the District Supervisor or upon the request of a lessee.

§ 250.263 Well casing and cementing.**(a) General requirements.**

(1) For the purpose of this subpart, the several casing strings in order of normal installation are:

- (i) Drive or structural,
- (ii) Conductor,
- (iii) Cap rock casing,
- (iv) Bobtail cap rock casing (required when the cap rock casing does not penetrate into the cap rock),
- (v) Second cap rock casing (brine wells), and
- (vi) Production liner.

(2) The lessee shall case and cement all wells with a sufficient number of strings of casing in a manner necessary to prevent release of fluids from any stratum through the wellbore (directly or indirectly) into the sea; protect freshwater aquifers from contamination; support unconsolidated sediments; and otherwise provide a means of control of the formation pressures and fluids. Cement composition, placement techniques, and waiting time shall be designed and conducted so that the cement in place behind the bottom 500 feet of casing or total length of annular cement fill, if less, attains a minimum

compressive strength of 160 pounds per square inch (psi).

(3) The lessee shall install casing designed to withstand the anticipated stresses imposed by tensile, compressive, and buckling loads; burst and collapse pressures; thermal effects; and combinations thereof. Safety factors in the casing program design shall be of sufficient magnitude to provide well control during drilling and to assure safe operations for the life of the well.

(4) In cases where cement has filled the annular space back to the mud line, the cement may be washed out or displaced to a depth not exceeding the depth of the structural casing shoe to facilitate casing removal upon well abandonment if the District Supervisor determines that subsurface protection against damage to freshwater aquifers and against damage caused by adverse loads, pressures, and fluid flows is not jeopardized.

(5) If there are indications of inadequate cementing (such as lost returns, cement channeling, or mechanical failure of equipment), the lessee shall evaluate the adequacy of the cementing operations by pressure testing the casing shoe. If the test indicates inadequate cementing, the lessee shall initiate remedial action as approved by the District Supervisor. For cap rock casing, the test for adequacy of cementing shall be the pressure testing of the annulus between the cap rock and the conductor casings. The pressure shall not exceed 70 percent of the burst pressure of the conductor casing or 70 percent of the collapse pressure of the cap rock casing.

(b) *Drive of structural casing.* This casing shall be set by driving, jetting, or drilling to a minimum depth of 100 feet below the mud line or such other depth, as may be required or approved by the District Supervisor, in order to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, a quantity of cement sufficient to fill the annular space back to the mud line shall be used.

(c) *Conductor and cap rock casing setting and cementing requirements.* (1) Conductor and cap rock casing setting depths. Conductor and cap rock casing design and setting depths shall be based upon relevant engineering and geologic factors including the presence or absence of hydrocarbons, potential hazards, and water depths. The proposed casing setting depths may be varied, subject to District Supervisor approval, to permit the casing to be set in a competent formation or through formations determined desirable to be insulated from the wellbore by casing

for safer drilling operations. However, the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas or, if unknown, upon encountering such formations. Upon encountering unexpected formation pressures, the lessee shall submit a revised casing program to the District Supervisor for approval.

(2) *Conductor casing cementing requirements.* Conductor casing shall be cemented with a quantity of cement that fills the calculated annular space back to the mud line. Cement fill shall be verified by the observation of cement returns. In the event that observation of cement returns is not feasible, additional quantities of cement shall be used to assure fill to the mud line.

(3) *Cap rock casing cementing requirements.* Cap rock casing shall be cemented with a quantity of cement that fills the calculated annular space to at least 200 feet inside the conductor casing. When geologic conditions such as near surface fractures and faulting exist, cap rock casing shall be cemented with a quantity of cement that fills the calculated annular space to the mud line, unless otherwise approved by the District Supervisor. In brine wells, the second cap rock casing shall be cemented with a quantity of cement that fills the calculated annular space to at least 200 feet above the setting depth of the first cap rock casing.

(d) *Bobtail cap rock casing setting and cementing requirements.* (1) Bobtail cap rock casing shall be set on or just in cap rock and lapped a minimum of 100 feet into the previous casing string.

(2) Sufficient cement shall be used to fill the annular space to the top of the bobtail cap rock casing.

(e) *Production liner setting and cementing requirements.* (1) Production liners for sulphur wells and bleedwells shall be set in cap rock at or above the bottom of the open hole (hole that is open in cap rock, below the bottom of the cap rock casing) and lapped into the previous casing string or to the surface. For brine wells, the liner shall be set in salt and lapped into the previous casing string or to the surface.

(2) The production liner is not required to be cemented.

§ 250.264 Pressure testing of casing.

(a) Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing and production liner, shall be pressure tested. The conductor casing shall be tested to at least 200 psi. All casing strings below the conductor casing (except the production liner) shall be

tested to 500 psi or 0.22 psi/ft, whichever is greater. If the pressure declines more than 10 percent in 30 minutes or if there is another indication of a leak, the casing shall be recemented, repaired, or an additional casing string run and the casing tested again. The above procedures shall be repeated until a satisfactory test is obtained. All casing pressure tests shall be recorded in the driller's report.

(b) After cementing any string of casing other than structural, drilling shall not be resumed until there has been a time lapse of at least 8 hours under pressure for the conductor casing string or 12 hours under pressure for all other casing strings. Cement is considered under pressure if one or more float valves are shown to be holding the cement in place or when other means of holding pressure are used.

§ 250.265 Blowout preventer systems and system components.

(a) *General.* The blowout preventer (BOP) systems and system components shall be designed, installed, used, maintained, and tested to assure well control.

(b) *BOP stacks.* The BOP stacks shall consist of an annular preventer and the number of ram-type preventers as specified under paragraphs (e) and (f) of this section. The pipe rams shall be of proper size to fit the drill pipe in use.

(c) *Working pressure.* The working-pressure rating of any BOP shall exceed the surface pressure to which it may be anticipated to be subjected.

(d) *BOP equipment.* All BOP systems shall be equipped and provided with the following:

(1) An accumulator system that provides sufficient capacity to supply 1.5 times the volume necessary to close and hold closed all BOP equipment units with a minimum pressure of 200 psi above the precharge pressure, without assistance from a charging system. No later than 6 months from the effective date of these regulations, accumulator regulators supplied by rig air and without a secondary source of pneumatic supply shall be equipped with manual overrides or alternately other devices provided to ensure capability of hydraulic operations if rig air is lost.

(2) An automatic backup to the accumulator system. The backup shall be supplied by a power source independent from the power source to the primary accumulator system and possess sufficient capability to close the BOP and hold it closed.

(3) At least one operable remote BOP control station in addition to the one on

the drilling floor. This control station shall be in a readily accessible location away from the drilling floor.

(4) A drilling spool with side outlets, if side outlets are not provided in the body of the BOP stack, to provide for separate kill and choke lines.

(5) A choke line and a kill line each equipped with two full-opening valves. At least one of the valves on the choke line and one valve on the kill line shall be remotely controlled, except that a check valve may be installed on the kill line in lieu of the remotely controlled valve provided that two readily accessible manual valves are in place, and the check valve is placed between the manual valve and the pump.

(6) A fill-up line above the uppermost preventer.

(7) A choke manifold designed with consideration of anticipated pressures to which it may be subjected, method of well control to be employed, surrounding environment, and corrosiveness, volume, and abrasiveness of fluids. The choke manifold shall also meet the following requirements:

(i) Manifold and choke equipment subject to well and/or pump pressure shall have a rated working pressure at least as great as the rated working pressure of the ram-type BOP's or as otherwise approved by the District Supervisor;

(ii) All components of the choke manifold system shall be protected from freezing by heating, draining, or filling with proper fluids; and

(iii) When buffer tanks are installed downstream of the choke assemblies for the purpose of manifolding the bleed lines together, isolation valves shall be installed on each line.

(8) Valves, pipes, flexible steel hoses, and other fittings upstream of, and including, the choke manifold with a pressure rating at least as great as the rated working pressure of the ram-type BOP's unless otherwise approved by the District Supervisor.

(9) A wellhead assembly with a rated working pressure that exceeds the pressure to which it might be subjected.

(10) The following system components:

(i) A kelly cock (an essentially full-opening valve) installed below the swivel and a similar valve of such design that it can be run through the BOP stack installed at the bottom of the kelly. A wrench to fit each valve shall be stored in a location readily accessible to the drilling crew;

(ii) An inside BOP and an essentially full-opening, drill-string safety valve in the open position on the rig floor at all times while drilling operations are being

conducted. These valves shall be maintained on the rig floor to fit all connections that are in the drill string. A wrench to fit the drill-string safety valve shall be stored in a location readily accessible to the drilling crew;

(iii) A safety valve available on the rig floor assembled with the proper connection to fit the casing string being run in the hole; and

(iv) Locking devices installed on the ram-type preventers.

(e) *BOP requirements.* Prior to drilling below cap rock casing, a BOP system shall be installed consisting of at least three remote-controlled, hydraulically operated BOP's including at least one equipped with pipe rams, one with blind rams, and one annular type.

(f) *Tapered drill-string operations.* Prior to commencing tapered drill-string operations, the BOP stack shall be equipped with conventional and/or variable-bore pipe rams to provide either of the following:

(1) One set of variable bore rams capable of sealing around both sizes in the string and one set of blind rams, or

(2) One set of pipe rams capable of sealing around the larger size string, provided that blind-shear ram capability is present, and crossover subs to the larger size pipe are readily available on the rig floor.

§ 250.266 Blowout preventer systems tests, actuations, inspections, and maintenance.

(a) Prior to conducting high-pressure tests, all BOP systems shall be tested to a low pressure of 200 to 300 psi.

(b) Ram-type BOP's and the choke manifold shall be pressure tested with water to rated working pressure or as otherwise approved by the District Supervisor. Annular type BOP's shall be pressure tested with water to 70 percent of rated working pressure or as otherwise approved by the District Supervisor.

(c) In conjunction with the weekly pressure test of BOP systems required in paragraph (d) of this section, the choke manifold valves, upper and lower kelly cocks, and drill-string safety valves shall be pressure tested to pipe-ram test pressures. Safety valves with proper casing connections shall be actuated prior to running casing.

(d) BOP system shall be pressure tested as follows:

(1) When installed;

(2) Before drilling out each string of casing or before continuing operations in cases where cement is not drilled out;

(3) At least once each week, but not exceeding 7 days between pressure tests, alternating between control

stations. If either control system is not functional, further drilling operations shall be suspended until that system becomes operable. A period of more than 7 days between BOP tests is allowed when there is a stuck drill pipe or there are pressure control operations and remedial efforts are being performed, provided that the pressure tests are conducted as soon as possible and before normal operations resume. The reason for postponing pressure testing shall be entered into the driller's report. Pressure testing shall be performed at intervals to allow each drilling crew to operate the equipment. The weekly pressure test is not required for blind and blind-shear rams;

(4) Blind and blind-shear rams shall be actuated at least once every 7 days. Closing pressure on the blind and blind-shear rams greater than necessary to indicate proper operation of the rams is not required;

(5) Variable bore-pipe rams shall be pressure tested against all sizes of pipe in use, excluding drill collars and bottom-hole tools; and

(6) Following the disconnection or repair of any well-pressure containment seal in the wellhead/BOP stack assembly but limited to the affected component.

(e) All BOP systems shall be inspected and maintained to assure that the equipment will function properly. The BOP systems shall be visually inspected at least once each day. The manufacturer's recommended inspection and maintenance procedures are acceptable as guidelines in complying with this requirement.

(f) The results of all pressure tests, actuations, and inspections of the BOP system and system components shall be recorded in the driller's report.

§ 250.267 Well-control drills.

Well-control drills shall be conducted for each drilling crew in accordance with the requirements set forth in § 250.58 of this part or as approved by the District Supervisor.

250.268 Diverter systems.

(a) When drilling a conductor hole and cap rock hole, all drilling units shall be equipped with a diverter system consisting of a diverter sealing element, diverter lines, and control systems. The diverter system shall be designed, installed, and maintained so as to divert gases, water, mud, and other materials away from the facilities and personnel.

(b) No later than 1 year from the effective date of these regulations, diverter systems shall be in compliance with the requirements of this section. The requirements applicable to diverters

which were in effect immediately prior to the effective date of these regulations shall remain in effect until the diverter systems are in compliance with the requirements of this section.

(c) The diverter system shall be equipped with remote-control valves in the flow lines that can be operated from at least one remote-control station in addition to the one on the drilling floor. Any valve used in a diverter system shall be full-opening. No manual or butterfly valves shall be installed in any part of a diverter system. There shall be a minimum number of turns in the vent line(s) downstream of the spool outlet flange, and the radius of curvature of turns shall be as large as practicable. Flexible hose may be used for diversion lines instead of rigid pipe if the flexible hose has integral end couplings. The entire diverter system shall be firmly anchored and supported to prevent whipping and vibrations. All diverter control instruments and lines shall be protected from physical damage from thrown and falling objects.

(d) For drilling operations conducted with a surface wellhead configuration, the following shall apply:

(1) If the diverter system utilizes only one spool outlet, branch lines shall be installed to provide downwind diversion capability, and

(2) No spool outlet or diverter line internal diameter shall be less than 10 inches, except that dual spool outlets are acceptable if each outlet has a minimum internal diameter of 8 inches and that both outlets are piped to overboard lines and that each line downstream of the changeover nipple at the spool has a minimum internal diameter of 10 inches.

(e) The diverter sealing element and diverter valves shall be pressure tested to a minimum of 200 psi when nipped upon conduction casing. No more than 7 days shall elapse between subsequent pressure tests. The diverter sealing element, diverter valves, and diverter control systems (including the remote) shall be actuation tested, and the diverter lines shall be tested for flow prior to spudding and thereafter at least once each 24-hour period alternating between control stations. All test results shall be recorded in the driller's report.

§ 250.269 Mud program.

(a) The quantities, characteristics, use, and testing of drilling mud and the related drilling procedures shall be designed and implemented to prevent the loss of well control.

(b) The lessee shall comply with requirements concerning mud control, mud test and monitoring equipment, mud quantities, and safety precautions

in enclosed mud handling areas as prescribed in § 250.60(b), (c) (d), and (e) of this part, except that the installation of an operable degasser in the mud system as required in § 250.60(b)(8) is not required for sulphur operations.

§ 250.270 Security of wells.

A downhole-safety device such as a cement plug, bridge plug, or packer shall be timely installed when drilling operations are interrupted by events such as those which force evacuation of the drilling crew, prevent station keeping, or require repairs to major drilling unit or well-control equipment. The use of blind-shear rams or pipe rams and an inside BOP may be approved by the District Supervisor in lieu of the above requirements if cap rock casing has been set.

§ 250.271 Supervision, surveillance, and training.

(a) The lessee shall provide onsite supervision of drilling operations at all times.

(b) From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall maintain rig-floor surveillance continuously, unless the well is secured with BOP's, bridge plugs, packers, or cement plugs.

(c) Lessee and drilling contractor personnel shall be trained and qualified in accordance with the provisions of Subpart O of this part, and MMS Training Standard MMSS-OCS-T 1, Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations. Records of specific training which lessee and drilling contractor personnel have successfully completed, the dates of completion, and the names and dates of the courses shall be maintained at the drill site.

§ 250.272 Applications for permit to drill.

(a) Prior to commencing the drilling of a well under an approved Exploration Plan, Development and Production Plan, or Development Operations Coordination Document, the lessee shall file a Form MMS-331C, APD, with the District Supervisor for approval. Prior to commencing operations, written approval from the District Supervisor must be received by the lessee unless oral approval has been given.

(b) An APD shall include rated capacities of the proposed drilling unit and of major drilling equipment. After a drilling unit has been approved for use in an MMS district, the information need not be resubmitted unless required by

the District Supervisor or there are changes in the equipment that affect the rated capacity of the unit.

(c) An APD shall include a fully completed Form MMS-331C and the following:

(1) A plat, drawn to a scale of 2,000 feet to the inch, showing the surface and subsurface location of the well to be drilled and of all the wells previously drilled in the vicinity from which information is available. For development wells on a lease, the previously drilled wells in the vicinity need not be shown on the plat. Locations shall be indicated in feet from the nearest block line;

(2) The design criteria considered for the well and for well control, including the following:

- (i) Pore pressure;
- (ii) Formation fracture gradients;
- (iii) Potential lost circulation zones;
- (iv) Mud weights;
- (v) Casing setting depths;
- (vi) Anticipated surface pressure

(which for purposes of this section are defined as the pressure which can reasonably be expected to be exerted upon a casing string and its related wellhead equipment). In the calculation of anticipated surface pressure, the lessee shall take into account the drilling, completion, and producing conditions. The lessee shall consider mud densities to be used below various casing strings, fracture gradients of the exposed formations, casing setting depths, total well depth, formation fluid type, and other pertinent conditions. Considerations for calculating anticipated surface pressure may vary for each segment of the well. The lessee shall include as a part of the statement of anticipated surface pressure the calculations used to determine this pressure during the drilling phase and the completion phase, including the anticipated surface pressure used for production string design; and

(vii) If a shallow hazards site survey is conducted, the lessee shall submit with or prior to the submittal of the APD, two copies of a summary report describing the geological and manmade conditions present. The lessee shall also submit two copies of the site maps and data records identified in the survey strategy.

(3) A BOP equipment program including the following:

- (i) The pressure rating of BOP equipment,
- (ii) A schematic drawing of the diverter system to be used (plan and elevation views) showing spool outlet internal diameter(s); diverter line lengths and diameters, burst strengths, and radius of curvature at each turn;

valve type, size, working-pressure rating, and location; the control instrumentation logic; and the operating procedure to be used by personnel, and

(iii) A schematic drawing of the BOP stack showing the inside diameter of the BOP stack and the number of annular, pipe ram, variable-bore pipe ram, blind ram, and blind-shear ram preventers.

(4) A casing program including the following:

- (i) Casing size, weight, grade, type of connection and setting depth, and
- (ii) Casing design safety factors for tension, collapse, and burst with the assumptions made to arrive at these values.

(5) The drilling prognosis including the following:

- (i) Estimated coring intervals,
- (ii) Estimated depths to the top of significant marker formations, and
- (iii) Estimated depths at which encounters with fresh water, sulphur, oil, gas, or abnormally pressured water are expected.

(6) A cementing program including type and amount of cement in cubic feet to be used for each casing string;

(7) A mud program including the minimum quantities of mud and mud materials, including weight materials, to be kept at the site;

(8) A directional survey program for directionally drilled wells;

(9) An H₂S Contingency Plan, if applicable, and not submitted previously; and

(10) Such other information as may be required by the District Supervisor.

(d) Public information copies of the APD shall be submitted in accordance with § 250.17 of this part.

§ 250.273 Sundry notices and reports on wells.

(a) Notices of the lessee's intention to change plans, make changes in major drilling equipment, deepen or plug back a well, or engage in similar activities and subsequent reports pertaining to such operations shall be submitted to the District Supervisor on Form MMS-331, Sundry Notices and Reports on Wells. Prior to commencing operations, written approval must be received from the District Supervisor unless oral approval is obtained pursuant to § 250.6 of this part.

(b) The Form MMS-331 submittal shall contain a detailed statement of the proposed work that will materially change the approved APD. Information submitted shall include the present state of the well including the production liner and last string of casing, the well depth and production zone, and the well's capability to produce. Within 30 days after completion of the work, a

subsequent detailed report of all the work done and the results obtained shall be submitted.

(c) Public information copies of Form MMS-331 shall be submitted in accordance with § 250.17 of this part.

§ 250.274 Well records.

(a) Complete and accurate records for each well and all well operations shall be retained for a period of 2 years at the lessee's field office nearest the OCS facility or at other locations conveniently available to the District Supervisor. The records shall contain a description of any significant malfunction or problem; all the formations penetrated; the content and character of sulphur in each formation if cored and analyzed; the kind, weight, size, grade, and setting depth of casing; all well logs and surveys run in the wellbore; and all other information required by the District Supervisor in the interests of resource evaluation, prevention of waste, conservation of natural resources, protection of correlative rights, safety, and environmental protection.

(b) When drilling operations are suspended, or temporarily prohibited, under the provisions of § 250.10 of this part, the lessee shall, within 30 days after termination of the suspension or temporary prohibition or within 30 days after the completion of any activities related to the suspension or prohibition, transmit to the District Supervisor duplicate copies of the records of all activities related to and conducted during the suspension or temporary prohibition on, or attached to, Form MMS-330, Well (Re)Completion Report, or Form MMS-331, Sundry Notices and Reports on Wells, as appropriate.

(c) Upon request by the Regional or District Supervisor, the lessee shall furnish the following:

(1) Copies of the records of any of the well operations specified in paragraph (a) of this section;

(2) Copies of the driller's daily report at a frequency as determined by the District Supervisor. Items to be reported include spud dates, casing setting depths, cement quantities, casing characteristics, mud weights, lost returns, and any unusual activities; and

(3) Legible, exact copies of reports on cementing, acidizing, analyses of cores, testing, or other similar services.

(d) As soon as available, the lessee shall transmit copies of logs and charts developed by well-logging operations, directional-well surveys, and core analyses. Composite logs of multiple runs and directional-well surveys shall be transmitted to the District Supervisor

in duplicate as soon as available but not later than 30 days after completion of such operations for each well.

(e) If the District Supervisor determines that circumstances warrant, the lessee shall submit any other reports and records of operations in the manner and form prescribed by the District Supervisor.

§ 250.280 Well-completion and well-workover requirements.

(a) Lessees shall conduct well-completion and well-workover operations in sulphur wells, bleedwells, and brine wells in accordance with §§ 250.280 through 250.286 of this part and other provisions of this part as appropriate (see §§ 250.71 and 250.91 of this part for the definition of well-completion and well-workover operations).

(b) Well-completion and well-workover operations shall be conducted in a manner to protect against harm or damage to life (including fish and other aquatic life), property, natural resources of the OCS including any mineral deposits (in areas leased and not leased), the national security or defense, or the marine, coastal, or human environment.

§ 250.281 Crew instructions.

Prior to engaging in well-completion or well-workover operations, crew members shall be instructed in the safety requirements of the operations to be performed, possible hazards to be encountered, and general safety considerations to protect personnel, equipment, and the environment. Date and time of safety meetings shall be recorded and available for MMS review.

§ 250.282 Approvals and reporting of well-completion and well-workover operations.

(a) No well-completion or well-workover operation shall begin until the lessee receives written approval from the District Supervisor. Approval for such operations shall be requested on Form MMS-331. Approvals by the District Supervisor shall be based upon a determination that the operations will be conducted in a manner to protect against harm or damage to life, property, natural resources of the OCS, including any mineral deposits, the national security or defense, or the marine, coastal, or human environment.

(b) The following information shall be submitted with Form MMS-331 (or with Form MMS-331C):

(1) A brief description of the well-completion or well-workover procedures to be followed;

(2) When changes in existing subsurface equipment are proposed, a

well schematic drawing showing the equipment; and

(3) Where the well is in zones known to contain H_2S or zones where the presence of H_2S is unknown, a description of the safety precautions to be implemented.

(c)(1) Within 30 days after completion, Form MMS-330, including a schematic of the tubing and the results of any well tests, shall be submitted to the District Supervisor.

(2) Within 30 days after completing the well-workover operation, except routine operations, Form MMS-331 shall be submitted to the District Supervisor and shall include the results of any well tests and a new schematic if any subsurface equipment has been changed.

§ 250.283 Well-control fluids, equipment, and operations.

(a) Well-control fluids, equipment, and operations shall be designed, utilized, maintained, and/or tested as necessary to control the well in foreseeable conditions and circumstances, including subfreezing conditions. The well shall be continuously monitored during well-completion and well-workover operations and shall not be left unattended at any time unless the well is shut in and secured;

(b) The following well-control fluid equipment shall be installed, maintained, and utilized:

(1) A fill-up line above the uppermost BOP;

(2) A well-control fluid-volume measuring device for determining fluid volumes when filling the hole on trips, and

(3) A recording mud-pit-level indicator to determine mud-pit-volume gains and losses. This indicator shall include both a visual and an audible warning device.

(c) When coming out of the hole with drill pipe or a workover string, the annulus shall be filled with well-control fluid before the change in fluid level decreases the hydrostatic pressure 75 psi or every stands of drill pipe or workover string, whichever gives a lower decrease in hydrostatic pressure. The number of stands of drill pipe or workover string and drill collars that may be pulled prior to filling the hole and the equivalent well-control fluid volume shall be calculated and posted near the operator's station. A mechanical, volumetric, or electronic device for measuring the amount of well-control fluid required to fill the hole shall be utilized.

§ 250.284 Blowout prevention equipment.

(a) The BOP system and system components and related well-control equipment shall be designed, used, maintained, and tested in a manner necessary to assure well control in foreseeable conditions and circumstances, including subfreezing conditions. The working pressure of the BOP system and system components shall equal or exceed the expected surface pressure to which they may be subjected.

(b) The minimum BOP stack for well-completion operations or for well-workover operations with the tree removed shall consist of the following:

(1) Three remote-controlled, hydraulically operated preventers including at least one equipped with pipe rams, one with blind rams, and one annular type.

(2) When a tapered string is used, the minimum BOP stack shall consist of either of the following:

(i) An annular preventer, one set of variable bore rams capable of sealing around both sides in the string, and one set of blind rams; or

(ii) An annular preventer, one set of pipe rams capable of sealing around the larger size string, a preventer equipped with blind-shear rams, and a crossover sub to the larger size pipe that shall be readily available on the rig floor.

(c) The BOP systems for well-completion operations, or for well-workover operations with the tree removed, shall be equipped with the following:

(1) An accumulator system that provides sufficient capacity to supply 1.5 times the volume necessary to close and hold closed all BOP equipment units with a minimum pressure of 200 psi above the precharge pressure without assistance from a charging system. No later than 6 months from the effective date of these regulations, accumulator regulators supplied by rig air and without a secondary source of pneumatic supply shall be equipped with manual overrides or alternately other devices provided to ensure capability of hydraulic operations if rig air is lost;

(2) An automatic backup to the accumulator system. The backup shall be supplied by a power source independent from the power source to the primary accumulator system and possess sufficient capacity to close all BOP's and hold them closed;

(3) Locking devices for the pipe-ram preventers;

(4) At least one remote BOP-control station and one BOP-control station on the rig floor; and

(5) A choke line and a kill line each equipped with two full-opening valves and a choke manifold. One of the choke-line valves and one of the kill line valves shall be remotely controlled except that a check valve may be installed on the kill line in lieu of the remotely controlled valve provided that two readily accessible manual valves are in place, and the check valve is placed between the manual valve and the pump.

(d) The minimum BOP-stack components for well-workover operations with the tree in place and performed through the wellhead inside of the sulphur line using small diameter jointed pipe (usually 3/4 inch to 1 1/4 inch) as a work string; i.e., small-tubing operations, shall consist of the following:

- (1) Two sets of pipe rams, and
- (2) One set of blind rams.

(e) An essentially full-opening, work-string safety valve shall be maintained on the rig floor at all times during well-completion operations. A wrench to fit the work-string safety valve shall be readily available. Proper connections shall be readily available for inserting a safety valve in the work string.

§ 250.285 Blowout preventer system testing, records, and drills.

(a) Prior to conducting high-pressure tests, all BOP systems shall be tested to a low pressure of 200 to 300 psi.

(b) Ram-type BOP's and the choke manifold shall be pressure tested with water to a rated working pressure or as otherwise approved by the District Supervisor. Annular type BOP's shall be pressure tested with water to 70 percent of rated working pressure or as otherwise approved by the District Supervisor.

(c) In conjunction with the weekly pressure test of BOP systems required in paragraph (d) of this section, the choke manifold valves, upper and lower kelly cocks, and drill-string safety valves shall be pressure tested to pipe-ram test pressures. Safety valves with proper casing connections shall be actuated prior to running casing.

(d) BOP system shall be pressure tested as follows:

- (1) When installed;
- (2) Before drilling out each string of casing or before continuing operations in cases where cement is not drilled out;
- (3) At least once each week, but not exceeding 7 days between pressure tests, alternating between control stations. If either control system is not functional, further drilling operations shall be suspended until that system becomes operable. A period of more than 7 days between BOP tests is

allowed when there is a stuck drill pipe or there are pressure control operations, and remedial efforts are being performed, provided that the pressure tests are conducted as soon as possible and before normal operations resume. The reason for postponing pressure testing shall be entered into the driller's report. Pressure testing shall be performed at intervals to allow each drilling crew to operate the equipment. The weekly pressure test is not required for blind and blind-shear rams;

(4) Blind and blind-shear rams shall be actuated at least once every 7 days. Closing pressure on the blind and blind-shear rams greater than necessary to indicate proper operation of the rams is not required;

(5) Variable bore-pipe rams shall be pressure tested against all sizes of pipe in use, excluding drill collars and bottom-hole tools; and

(6) Following the disconnection or repair of any well-pressure containment seal in the wellhead/BOP stack assembly but limited to the affected component.

(e) All personnel engaged in well-completion operations shall participate in a weekly BOP drill to familiarize crew members with appropriate safety measures.

(f) The times, dates, and results of BOP tests, actuations, and crew drills shall be recorded in the operations log.

§ 250.286 Tubing and wellhead equipment.

(a) No tubing string shall be placed into service or continue to be used unless such tubing string has the necessary strength and pressure integrity and is otherwise suitable for its intended use.

(b) Wellhead, tree, and related equipment shall be designed, installed, tested, used, and maintained so as to achieve and maintain pressure control.

§ 250.290 Production requirements.

(a) Lessee shall conduct sulphur production operations in compliance with the approved Development and Production Plan, requirements of §§ 250.290 through 250.297 of this subpart, and requirements of this part, as appropriate.

(b) Production safety equipment shall be designed, installed, used, maintained, and tested in a manner to assure the safety and protection of the human, marine, and coastal environments.

§ 250.291 Design, installation, and operation of surface production safety systems.

(a) *General.* All production facilities shall be designed, installed, and maintained in a manner which provides

for efficiency and safety of operations and protection of the environment.

(b) Hydrocarbon handling vessels shall be protected with a basic and ancillary surface safety system designed, analyzed, installed, tested, and maintained in operating condition in accordance with the provisions of API Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms (API RP 14C). If processing components are to be utilized, other than those for which Safety Analysis Checklists are included in API RP 14C, the analysis technique and documentation specified therein shall be utilized to determine the effects and requirements of these components upon the safety system.

(c) *Approval of safety-systems design and installation features.* Prior to installation, the lessee shall submit a production safety system application, in duplicate, to the District Supervisor for approval. The application shall include information relative to the proposed design and installation features. Information concerning approved design and installation features shall be maintained by the lessee at the lessee's offshore field office nearest the OCS facility or other location conveniently available to the District Supervisor. All approvals are subject to field verification. The application shall include the following:

(1) A schematic flow diagram showing size, capacity, design, working pressure of separators, storage tanks, compressor pumps, metering devices, and other sulphur or hydrocarbon-handling vessels;

(2) A schematic flow diagram (API RP 14C, Figure E1) and the related Safety Analysis Function Evaluation chart (API RP 14C, subsection 4.3c);

(3) A schematic piping diagram showing the size and maximum allowable working pressures as determined in accordance with API RP 14E, Design and Installation of Offshore Production Platform Piping Systems;

(4) Electrical system information including the following:

(i) A plan of each platform deck, outlining all hazardous areas classified in accordance with API RP 500B, Recommended Practice for Classification of Locations for Electrical Installations at Drilling Rigs and Production Facilities on Land and on Marine Fixed and Mobile Platforms, and outlining areas in which potential ignition sources are to be installed;

(ii) All significant hydrocarbon sources and a description of the type of

decking, ceiling, walls (e.g., grating or solid), and firewalls; and

(iii) Elementary electrical schematic of any platform safety shutdown system with a functional legend.

(5) Certification that the design for the mechanical and electrical systems to be installed were approved by registered professional engineers. After these systems are installed, the lessee shall submit a statement to the District Supervisor certifying that new installations conform to the approved designs of this subpart; and

(6) Design and schematics of the installation and maintenance of all fire- and gas-detection systems including the following:

(i) Type, location, and number of detection heads;

(ii) Type and kind of alarm, including emergency equipment to be activated;

(iii) Method used for detection;

(iv) Method and frequency of calibration; and

(v) A functional block diagram of the detection system, including the electric power supply.

§ 250.292 Additional production system requirements.

(a) *General.* Lessees shall comply with the following fuel gas handling safety system requirements (some of which are in addition to those contained in API RP 14C, incorporated by reference in § 250.122(b)).

(b) *Design, installation, and operation of additional fuel gas handling safety systems.* (1) Pressure and fired vessels shall be designed, fabricated, code stamped, and maintained in accordance with applicable provisions of Section I, IV, and VIII of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code.

(i) Pressure relief valves shall be designed, installed, and maintained in accordance with applicable provisions of Sections I, IV, and VIII of the ASME Boiler and Pressure Vessel Code. The relief valves shall conform to the valve-sizing and pressure-relieving requirements specified in these documents; however, the relief valves shall be set no higher than the maximum allowable working pressure of the vessel. All relief valves and vents shall be piped in such a way as to prevent fluid from striking personnel or ignition sources.

(ii) The lessee shall use pressure recorders to establish the operating pressure ranges of pressure vessels in order to establish the pressure-sensor settings. Pressure-recording charts used to determine operating pressure ranges shall be maintained by the lessee for a period of 2 years at the lessee's field

office nearest the OCS facility or at another location conveniently available to the District Supervisor. The high-pressure sensor shall be set no higher than 15 percent or 5 psi, whichever is greater, above the highest operating pressure of the vessel. This setting shall also be set sufficiently below (5 percent or 5 psi, whichever is greater) the relief valve's set pressure to assure that the high-pressure sensor sounds an alarm before the relief valve starts relieving. The low-pressure sensor shall sound an alarm no lower than 15 percent or 5 psi, whichever is greater, below the lowest pressure in the operating range.

(2) *Engine exhaust.* Engine exhausts shall be equipped to comply with the insulation and personnel protection requirements of API RP 14C, section 4.2c(4). Exhaust piping from diesel engines shall be equipped with spark arresters.

(3) *Firefighting systems.* Firefighting systems shall conform to subsection 5.2, Fire Water Systems, of API RP 14C, Fire Prevention and Control on Open Type Offshore Production Platforms, and shall be subject to the approval of the District Supervisor. Additional requirements shall apply as follows:

(i) A firewater system consisting of rigid pipe with firehose stations shall be installed. The firewater system shall be installed to provide needed protection, especially in areas where fuel handling equipment is located. A fixed waterspray system shall be installed in enclosed well-bay areas where hydrocarbon vapors may accumulate;

(ii) Fuel or power for firewater pump drivers shall be available for at least 30 minutes of run time during platform shut-in time. If necessary, an alternate fuel or power supply shall be installed to provide for this pump-operating time unless an alternate firefighting system has been approved by the District Supervisor;

(iii) A firefighting system using chemicals may be used in lieu of a water system if the District Supervisor determines that the use of a chemical system provides equivalent fire-protection control; and

(iv) A diagram of the firefighting system showing the location of all firefighting equipment shall be posted in a prominent place on the facility or structure.

(4) *Fire- and gas-detection system.* (i) Fire (flame, heat, or smoke) sensors shall be installed in all enclosed classified areas. Gas sensors shall be installed in all inadequately ventilated, enclosed classified areas. Adequate ventilation is defined as ventilation which is sufficient to prevent accumulation of a significant quantities

of vapor-air mixture in concentrations over 25 percent of the lower explosive limit. One approved method of providing adequate ventilation is a change of air volume each 5 minutes or 1 cubic foot of air-volume flow per minute per square foot of solid floor area, whichever is greater. Enclosed areas (e.g., buildings, living quarters, or doghouses) are defined as those areas confined on more than four of their six possible sides by walls, floors, or ceilings more restrictive to air flow than grating or fixed open louvers and of sufficient size to allow entry of personnel. A classified area is any area classified Class I, Group D, Division 1 or 2, following the guidelines of API Recommended Practice 500B.

(ii) All detection systems shall be capable of continuous monitoring. Fire-detection systems and portions of combustible gas-detection systems related to the higher gas concentration levels shall be of the manual-reset type. Combustible gas-detection systems related to the lower gas-concentration level may be of the automatic-reset type.

(iii) A fuel-gas odorant or an automatic gas-detection and alarm system is required in enclosed, continuously manned areas of the facility which are provided with fuel gas. Living quarters and doghouses not containing a gas source and not located in a classified area do not require a gas detection system.

(iv) The District Supervisor may require the installation and maintenance of a gas detector or alarm in any potentially hazardous area.

(v) Fire- and gas-detection systems shall be an approved type, designed and installed in accordance with API RP 14C, API RP 14G, and API RP 14F, Design and Installation of Electrical Systems for Offshore Production Platforms.

(c) *General platform operations.*

Safety devices shall not be bypassed or blocked out of service unless they are temporarily out of service for startup, maintenance, or testing procedures. Only the minimum number of safety devices shall be taken out of service. Personnel shall monitor the bypassed or blocked out functions until the safety devices are placed back in service. Any safety device which is temporarily out of service shall be flagged by the person taking such device out of service.

§ 250.293 Safety-system testing and records.

(a) *Inspection and testing.* The safety-system devices shall be successfully inspected and tested by the lessee at the interval specified below or more frequently if operating conditions

warrant. Testing shall be in accordance with API RP 14C, Appendix D, and the following:

(1) Relief valves on the natural gas feed system for power plant operations such as pressure safety valves shall be inspected and tested for operation at least once every 12 months. These valves shall be either bench tested or equipped to permit testing with an external pressure source.

(2) The following safety devices shall be inspected and tested at least once each calendar month but at no time shall more than 6 weeks elapse between tests:

(i) All pressure safety high or pressure safety low, and

(ii) All level safety high and level safety low controls.

(3) All pumps for firewater systems shall be inspected and operated weekly.

(4) All fire- (flame, heat, or smoke) and gas-detection systems shall be inspected and tested for operation and recalibrated every 3 months provided that testing can be performed in a nondestructive manner.

(5) Prior to the commencement of production, the lessee shall notify the District Supervisor when the lessee is ready to conduct a preproduction test and inspection of the safety system. The lessee shall also notify the District Supervisor upon commencement of production in order that a complete inspection may be conducted.

(b) *Records.* The lessee shall maintain records for a period of 2 years for each safety device installed. These records shall be maintained by the lessee at the lessee's field office nearest the OCS facility or other locations conveniently available to the District Supervisor. These records shall be available for MMS review. The records shall show the present status and history of each safety device, including dates and details of installation, removal, inspection, testing, repairing, adjustments, and reinstallation.

§ 250.294 Safety device training.

Prior to engaging in production operations on a lease and periodically thereafter, personnel installing, inspecting, testing, and maintaining safety devices shall be instructed in the safety requirements of the operations to be performed; possible hazards to be encountered; and general safety considerations to be taken to protect personnel, equipment, and the environment. Date and time of safety meetings shall be recorded and available for MMS review.

§ 250.295 Production rates.

Each sulphur deposit shall be produced at rates that will provide economic development and depletion of the deposit in a manner that would maximize the ultimate recovery of sulphur.

§ 250.296 Production measurement.

(a) *General.* Measurement equipment and security procedures shall be designed, installed, used, maintained, and tested so as to accurately and completely measure the sulphur produced on a lease for purposes of royalty determination.

(b) *Application and approval.* The lessee shall not commence production of sulphur until the Regional Supervisor has approved the method of measurement. The request for approval of the method of measurement shall contain sufficient information to demonstrate to the satisfaction of the Regional Supervisor that the method of measurement meets the requirements of paragraph (a) of this section.

§ 250.297 Site security.

(a) All locations where sulphur is produced, measured, or stored shall be operated and maintained to ensure against the loss or theft of produced sulphur and to assure accurate and complete measurement of produced sulphur for royalty purposes.

(b) Evidence of mishandling of produced sulphur from an offshore lease, or tampering or falsifying any measurement of production for an offshore lease, shall be reported to the Regional Supervisor as soon as possible but no later than the next business day after discovery of the mishandling.

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42 CFR Part 201

Thursday
August 31, 1989

Part IX

Department of Housing and Urban Development

Office of the Assistant Secretary for
Housing—Federal Housing Commissioner

24 CFR Part 201

Title I Property Improvement and
Manufactured Home Loans; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-89-1397; FR-2370]

RIN 2502-AE15

Title I Property Improvement and Manufactured Home Loans; Miscellaneous Amendments

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends various sections in the regulations governing the property improvement and manufactured home loan insurance programs under title I, section 2 of the National Housing Act. This rule makes substantive changes in provisions relating to the financing of furniture in connection with manufactured home loans, the manner in which the Department assesses and collects insurance premiums on manufactured home loans, the maximum amount of an unsecured property improvement loan, and the certification requirements for manufactured home sites. The rule also clarifies some provisions in the title I regulations, corrects typographical errors, and makes necessary editorial changes.

EFFECTIVE DATE: October 9, 1989.

FOR FURTHER INFORMATION CONTACT: Robert J. Coyle, Director, Title I Insurance Division, Room 9158, 451 Seventh Street SW., Washington, DC 20410. Telephone number (202) 755-6880. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: A proposed rule was published at 53 FR 30697 on August 15, 1988, and interested persons were invited to submit comments regarding the rule. The original deadline for the receipt of comments was September 29, 1988; it was extended to October 31, 1988 at the request of several interested parties. Comments were received, either directly or through attorneys and U.S. Senators and Representatives, from more than 50 respondents, including financial institutions, manufactured home manufacturers and dealers, manufactured home insurers and insurance agents, and industry trade associations. In addition, title I program officials and Department legal counsel met with representatives of an insurance company at their request, to discuss

casualty and single-interest insurance policies for manufactured homes. The written and oral comments from these respondents have been carefully considered and evaluated, and some of the respondents' recommendations have been adopted, either in whole or in part, in the final rule.

The proposed rule contained substantive changes in the title I regulations to prohibit title I manufactured home loan proceeds from being used for the purchase of furniture; to reduce the number of years of hazard insurance coverage that may be financed with title I manufactured home loan proceeds and to change the amount of hazard insurance coverage required for manufactured homes financed with loans insured under title I; to change the manner in which the Department assesses and collects insurance premium charges in connection with manufactured home loans, allowing the Department to collect a greater portion of the insurance premium charge for each loan in the early years of the loan, and eliminating such charge in the later years of the loan; to increase the maximum amount of an unsecured property improvement loan from \$2,500 to \$5,000; and to simplify manufactured home site certification requirements.

The Department also proposed to make changes in the title I regulations to clarify that: (a) Late charges prescribed in the title I regulations may be assessed by the lender unless applicable State law prescribes standards more beneficial to the borrower, but may not be assessed if interest on the loan is charged on a daily basis; (b) appurtenances to the manufactured home may be financed with the proceeds of a manufactured home purchase loan only with the approval of the Secretary, and subject to the lender obtaining a first lien on such appurtenances as well as on the manufactured home, its furnishings, equipment, and accessories; (c) certain fees and charges that cannot be financed would be permitted to be paid by the lender; (d) proofs of claim would not have to be filed by lenders in certain bankruptcy or probate proceedings, and lenders would be required to take all steps necessary to protect the interest of the note holder in any such proceeding until a title I insurance claim is paid by the Department; (e) appraisals of repossessed manufactured homes would be required to reflect the retail value of comparable homes in the geographic area where the repossession occurred; and (f) premiums for hazard insurance on a foreclosed or repossessed manufactured home financed with a combination home and lot loan would

be eligible for inclusion as part of the lender's title I insurance claim.

The Department further proposed to correct some typographical and grammatical errors.

Financing of Furniture

Section 201.10 of the title I regulations limits the amount of furniture that may be financed with the proceeds of a manufactured home loan, as follows: Loan proceeds may include an amount equal to the wholesale (base) price of any furniture package supplied by the manufacturer, subject to a maximum amount not to exceed the lesser of \$2,000 or 10 percent of the wholesale (base) price of the home.

The Department proposed to amend the title I regulations so that the proceeds of manufactured home loans may no longer be used for the purchase of furniture. This change was proposed because, as noted in the preamble to the proposed rule, the Department estimates that furniture adds 7 to 13 percent (\$1,500 to \$2,500) to the retail price of the average manufactured home financed with a loan insured under title I. In most instances of borrower default, the furniture is in poor condition or has been removed before the lender repossesses the home. In such cases, the furniture, which is part of the loan security, has little or no value and both lenders and the Department lose a great deal of money. Faced with these losses, the Department has concluded that the proceeds of manufactured home loans should no longer be used for the purchase of furniture.

Twenty comments specifically addressed the Department's proposal to eliminate the financing of furniture with the proceeds of manufactured home loans. All 20 respondents expressed opposition to the proposal. Although several stated that they understood the Department's reasons for proposing this change, they expressed the opinion that the benefits of allowing first-time buyers to purchase furniture with loan proceeds outweighed the effects on HUD as a credit insurer.

The main theme of the comments was that promulgation of this change in the regulations will adversely affect many first-time home buyers, because it will require them to obtain furniture elsewhere and pay for it over a two- or three-year period, thus greatly increasing their monthly payments during the early years of the loan when the risks of default are highest. Some respondents also expressed the view that this proposal would, if promulgated, make the title I program less competitive, since lenders will continue

to finance furniture in their conventional loans. However, another commenter stated that the ability to finance furniture may be a key reason why borrowers have used the title I program; this suggests that perhaps the title I program has been insuring a disproportionate share of the homes financed with furniture.

Several commenters pointed out that the purchase of furniture with a manufactured home is not a universal practice; it seems to be the prevailing pattern with single-section homes sold in the East and South, from Virginia to Texas, but is not the usual practice in the West. Multisection homes in all parts of the country are typically sold without furniture, and in the last seven years there has been a very rapid increase in the percentage of multisection homes being produced (from 22 percent of all homes in 1982 to more than 42 percent currently). Thus, it appears that the financing of furniture with the proceeds of manufactured home loans is not as widespread a practice as most of the commenters have asserted.

One commenter furnished the Department with the results of a nationwide survey of manufactured home owners conducted in 1987. The survey showed that, of the 16,442 owners of manufactured homes who responded, 49 percent had previously lived in site-built homes, 20 percent had lived in a different manufactured home, and 18 percent had rented an apartment or townhouse, while only 13 percent had lived with parents or relatives or had other living arrangements where they might not have needed to purchase furniture. The survey also showed that, of 1,335 recent purchasers of manufactured homes, 92 percent had previously lived in situations that would indicate that they owned furniture when they purchased their homes. Moreover, when asked about the advantages of manufactured home living, only eight percent of those surveyed viewed the ability to purchase a furnished home as an advantage. The Department's conclusion from these survey results is that a high percentage of manufactured home owners had furniture before moving into their present homes and had no real need to purchase (and finance) furniture supplied by the home manufacturers.

The Department believes that prohibiting the financing of furniture with title I manufactured home loan proceeds will not have a deleterious effect on sales of manufactured homes or on the use of the title I program, but it will help to reduce the size of claim

losses being sustained by both lenders and the Department. The Department recognizes that some borrowers who need furniture will obtain separate financing to purchase it, generally at higher interest rates and for much shorter loan terms; however, this situation is no different from purchasing an automobile or making any other major installment purchase after the manufactured home loan is obtained. Any major installment purchase has the potential for increasing the risk of default on the manufactured home loan obligation.

In recognition of this potential for increased risk, the Department expects that lenders will take steps to ascertain whether the borrower is planning to purchase furniture and, if so, whether the purchase is to be financed. When the financing of furniture is anticipated, estimated monthly installment payments for furniture should be included as "Other Recurring Charges" in accordance with § 201.22(b) of the regulations in calculating whether the borrower's income will be adequate to meet the manufactured home loan payments.

Accordingly, the Department hereby amends the title I regulations to eliminate the financing of furniture with the proceeds of title I manufactured home loans as follows: In §§ 201.2(p), (kk)(2), and (11), 201.10(b)(1), and 201.26(b)(4)(iii)(C), (b)(6)(i) and (b)(7)(ii), all references to furniture as part of the loan transaction are deleted, and in § 201.21(b)(3), a statement that the proceeds of a manufactured home loan shall not be used to purchase furniture is added. The definition of "furniture" in § 201.2(k) is retained to inform program participants as to which items are eligible and which are not eligible for financing with the proceeds of the loan.

Hazard Insurance and Secured Interest Protection Insurance

Section 201.25(b)(2)(ii) of the title I regulations allows manufactured home purchase loans and combination loans to include the cost of premiums paid by the borrower for comprehensive and extended hazard insurance and vendor's single-interest insurance coverage for three years. The Department proposed to reduce the number of years of hazard insurance coverage that could be financed with the proceeds of a title I manufactured home loan from three years to one year.

Twenty-six comments on this proposal were received. Almost all were against the proposed change, but there was some recognition of the Department's view that security for the entire loan is diminished by financing

hazard insurance proceeds for multiple years.

Although the Department continues to believe that the financing of more than one year of hazard insurance coverage is not warranted, this matter will be given further study, and therefore the Department will not amend § 201.25(b)(2)(ii) to reduce the number of years of hazard insurance premiums that may be financed with title I loan proceeds at this time. If the Department decides to make this change at some future date, it will be accomplished by subsequent rulemaking.

The Department had also proposed to amend § 201.25(b)(2)(ii) as it relates to vendor's single-interest insurance premiums, in the belief that these are one-time charges. The Department has since learned that, unlike such insurance for other types of consumer loans, this coverage is provided as part of the hazard insurance policy, and the premium is paid by the borrower in the same manner as the hazard insurance premium. There was only one comment on this issue, which indicated that the Department seemed to be discouraging the purchase of this type of insurance. This is not the case, and in light of the information obtained by the Department with regard to this type of insurance, the Department will not change the substance of § 201.25(b)(2)(ii) concerning vendor's single-interest insurance at this time.

The Department further proposed to amend § 201.25(b)(2)(ii) by changing the term "vendor's single-interest insurance" to "single-interest insurance" in the belief that "vendor's single-interest insurance" is a misnomer, as this insurance protects the secured creditor rather than the vendor. A copy of an owner's policy given to the Department describes such insurance as secured interest protection coverage, and shows the lineholder as the beneficiary. The term "secured interest protection" appears to be a more accurate term than either "vendor's single-interest insurance" or "single-interest insurance," and therefore § 201.25(b)(2)(ii) is amended by substituting "secured interest protection" for "vendor's single-interest".

A proposed amendment to § 201.55(b)(1)(ii) would include benefits of secured interest protection insurance as a post-default receipt to be deducted from the unpaid loan balance in calculating title I claims. The one comment received by the Department concerning secured interest protection insurance did not object, and therefore

§ 201.55(b)(1)(ii) is amended accordingly.

Another proposal relating to hazard insurance was to amend § 201.28(b) of the title I regulations by changing the requirement that the borrower obtain and maintain hazard insurance on a manufactured home financed with a title I insured loan "in an amount at least equal to the unpaid balance of the loan or the actual cash value of the home, or home and lot in combination, whichever is lesser" to "an amount equal to the unpaid loan balance." The only comment on this proposal was from a manufactured home lender, who stated that borrowers may not be able to obtain stated value insurance on the home in some States. The commenter suggested that hazard insurance be required in an amount equal to the unpaid balance of the loan, or to the actual cash value of the home in those States in which stated value insurance is not otherwise obtainable. The Department agrees with that suggestion, and § 201.28(b) is amended to require that hazard insurance coverage on a manufactured home be maintained in an amount at least equal to the unpaid loan balance, except that the amount of coverage shall be not less than the actual cash value of the home where State law precludes a higher amount.

Loan Insurance Charges

The Department proposed to amend § 201.31 to (a) reduce the rate of the annual insurance charge for a manufactured home loan from 0.54 percent to 0.50 percent of the loan amount for the term of the loan; (b) change the system of collecting the loan insurance charge for a manufactured home loan so as to collect more of the charge in the early years of the loan and less in the later years, as distinguished from the present method of collecting the insurance charge in equal annual installments; and (c) clarify that the late charges that can be assessed are in fact penalty charges and interest due from the lender when loan insurance charges are not paid in a timely manner.

Thirteen respondents commented on this proposal. None of them were in favor of that part of the proposal relating to accelerated collection of the insurance charge. Their principal objection, collectively, was that the proposal would increase the lender's cost for loan insurance, which would mean that title I loans would be less profitable, or they would have to increase their interest rates to cover increased insurance charges. However, several respondents acknowledged that some acceleration in the collection of loan insurance charges was warranted

in light of the claim losses in recent years.

Several commenters expressed concern that the Department's actuarial study seemed to rely heavily upon claims data that reflected the economic depression in the "oil patch" states of Texas, Oklahoma, and Louisiana, rather than considering the long-term performance of the title I manufactured home loan portfolio. Another commenter incorrectly stated that the actuarial study was based upon "a sample of loans originated between late 1982 and 1986." In fact, the actuarial study utilized data on loan survivorship, claims, and non-claim terminations for 15-year loans originated between 1973 and 1986. While information on loans that had terminated prior to September 1982 had been lost, the analysis did consider all 15-year loans for which insurance was still in force as of that time, as well as all 15-year loans from then until the end of 1986. Thus, the actuarial study did take into account the performance of loans in the title I portfolio over a long span of time, using the best data available. The Department believes that the data base was adequate to justify the proposed changes in the way that insurance charges will be collected; an independent actuarial consultant who reviewed the Department's study confirmed this.

One commenter expressed the opinion that the actuarial study had failed to make appropriate adjustments for the proposals to eliminate the financing of furniture and multi-year hazard insurance policies. Although the study report might have been clearer on this point, the authors of the study did take these proposals into account by revising the loss ratio used in the study downward from 25 percent to 22.5 percent. As a result of this change, the insurance charges to be collected on a 15-year loan were reduced by 0.25 percent of the loan amount in years 5, 6, and 8.

Another commenter questioned whether the \$104 million underwriting loss for the 1984-1986 period that is mentioned in the preamble to the proposed rule included any debt recovery by HUD from defaulted borrowers. As the preamble to the proposed rule states, \$104 million was the amount by which manufactured home claims exceeded loan insurance charges during those years. If debt recovery had been included, total losses for this period would still have been \$92.5 million. It is important to point out that debt recovery was taken into account in the actuarial study.

Two respondents commented that the average life of a 15-year manufactured home loan is about seven years, and that accelerated collection of the loan insurance charges will mean that a lender will pay a total charge of 6.25 percent on this "average" loan, compared with 3.78 percent under the current method of collecting a level insurance charge of 0.54 percent of the loan amount for each year that the insurance is in force. While this statement is true, it does not seem to be relevant to the issue at hand, other than to point out that loans which terminate early will pay higher insurance charges than at present. Conversely, on 15-year loans that reach maturity, total charges will be slightly less (7.5 percent under the proposal; 8.1 percent under the current regulation).

One of these respondents also suggested that the Department consider a sliding scale of insurance charges, based on the loss experience of each lender. The Department has considered the possibility of relating insurance charges to lender performance, but has concluded that it would be very difficult to administer in an equitable manner. In addition, the use of the loan insurance charge to penalize certain lenders would limit the availability of title I loans in some areas of the country. The Department believes that lender performance is more effectively controlled through better claims review and increased monitoring.

Another respondent suggested that lenders be allowed to include the first year's loan insurance charge in the loan amount, with subsequent annual installments to be met through monthly payments by the borrowers into escrow accounts. The respondent indicated that, with this approach, interest rates on title I loans could be reduced by 0.50 to 0.75 percent. Even though borrowers would be paying loan insurance premiums as separate charges, lower interest would reduce the borrowers' monthly payments for principal and interest over the terms of their loans.

Section 201.31(f) of the regulations now permits the lender to pass the loan insurance charge on to the borrower, provided that it is fully disclosed to the borrower. The regulations do not currently provide for any portion of the loan insurance charge to be financed; however, the Department believes that the respondent's suggestion has some merit and will consider, as part of a future rulemaking, amending § 201.25(b) to permit the first year's insurance charge to be included in the loan amount, provided that the insurance charges for the second and subsequent

years are fully disclosed to the borrower and collected from the borrower on a monthly basis.

One commenter objected to the provision in § 201.31(b)(3) of the proposed rule, which enunciates the Department's longstanding policy that all loan insurance charges are considered earned when paid. The commenter stated that it is unfair to charge an insurance premium for any time period after a loan is prepaid, since there is no further insurance risk to the Department. In response, it is noted that the lender presently has no obligation to report to the Department when a loan is prepaid. Instead, the lender waits until the next annual billing for insurance charges before notifying the Department that the loan was prepaid. The Department accepts the lender's certification that the loan was prepaid, and no further insurance charges for the loan are billed. The Department has determined that instituting a separate reporting procedure for prepaid loans would not be cost-beneficial for either lenders or HUD, and therefore finds no reason to change the present policy.

Finally, one respondent expressed concern about the limited time available for lenders to manually reconcile their monthly statements of loan insurance charges before incurring a penalty charge under § 201.31(c). The respondent suggested that this problem would be eliminated if a computer tape billing could be furnished to lenders. Given the large number of lenders with limited title I loan activity, computer tape billing does not appear to be cost-effective; however, the Department is exploring ways to expedite the mailing of the monthly statements so as to give lenders more time to reconcile their statements and make timely insurance charge payments.

In summary, the Department believes that the proposed changes to the manner in which manufactured home loan insurance charges are collected are very important to the success of the program, notwithstanding the objections, and therefore § 201.31 is amended as set forth in the proposed rule.

Maximum Amount of an Unsecured Property Improvement Loan

The Department proposed to amend § 201.24(a) (1) and (2) so as to permit an increase in the amount of an unsecured property improvement loan from \$2,500 to \$5,000. The Department received six comments on this proposal; two comments were favorable and four were not. The primary objection to the change was a collective belief that defaults would increase if loans up to \$5,000 are not secured. Another reason for

objection was an inability to sell unsecured loans in the secondary market.

Section 201.24 specifies the maximum amount for a property improvement loan that may be insured under title I without security. The Department has never prohibited lenders from obtaining security on loans less than the amount set forth in § 201.24, and under this proposal there would still be no prohibition on obtaining security for loans that are below the ceiling. One lender stated that this proposal would require it to offer unsecured loans up to \$5,000 because of the competition, even if it desired to obtain security on loans of lesser amounts. While this may be the case, competition is a function of the market, rather than of Government regulation.

One commenter pointed out that interest on a secured loan is generally tax-deductible, whereas interest on an unsecured loan may or may not be. The tax deductibility of interest on a loan secured by a mortgage or deed of trust is a selling point that lenders may use to obtain security on loans that are less than the ceiling on unsecured loans.

For the reasons set forth in the preamble to the proposed rule, § 201.24(a) (1) and (2) are amended by changing \$2,500 to \$5,000.

Manufactured Home Site Certification Requirements

The Department proposed to amend § 201.21(e)(3) of the title I regulations to require certifications of site suitability for leased home sites in manufactured home parks from the appropriate State or local government officials, such as local planning or building officials or public health officials, rather than from State or local authorities which license manufactured home parks. The Department proposed to amend this provision further by eliminating the requirement that the park comply with minimum standards on site location, storm drainage and landscaping.

The Department also proposed to amend § 201.21(e)(4) to change the required certification that the site is zoned to permit the placement of a manufactured home to a more general statement that the site complies with local zoning ordinances and regulations, if any. In addition, the Department proposed to eliminate the requirement that minimum storm drainage standards be met and substitute a more general certification that any other minimum local standards and requirements for site suitability are met. A certification from a registered civil engineer would be required only when local standards

for water supply and sewage disposal are not established or enforced.

Three comments were received with regard to these proposed changes. All were favorable, but indicated that the Department was not going far enough in simplifying the site certification requirements. Two commenters recommended that the regulations permit the use of a photocopy of a State or local license that requires periodic inspections by government officials, if the required certifications cannot be obtained from State or local authorities. The Department has determined that the language in §§ 201.21(e) (3) and (4), as set forth in the proposed rule, would permit the lender to accept a State or local license, building permit, or occupancy permit that is based upon a site inspection to assure compliance with minimum site development standards, without requiring a separate certification.

Another commenter recommended that the borrower be permitted to certify that the site complies with zoning requirements, or that a representative of the lender be allowed to review the site placement and sign the site certifications. However, the Department believes that borrowers and lenders' representatives are not qualified to make the necessary certifications. Accordingly, §§ 201.21(e) (3) and (4) are amended as indicated in the proposed rule.

Clarifying and editorial changes made by this rule relate to the following matters:

Late Charges

The Department proposed to amend § 201.15 to clarify both the requirements for the billing of late charges and the application of State law in regard to late charges, as well as by adding a requirement that late charges, if imposed, must be paid by the borrower and may not be deducted from the borrower's monthly payment for principal and interest. Two respondents commented on this proposal.

One respondent stated that if HUD is requiring that lenders must have been paid all late charges as a prerequisite to filing claims, rather than merely having billed borrowers and attempted to collect such charges, the changes are misguided. The Department's intention was to require only that evidence be provided of those late charges that have been paid, since the lender cannot compel the borrower to pay these charges. Therefore, the Department is revising the third sentence of § 201.15(a) to make this clear.

The second respondent stated a belief that prohibiting late charges on a daily interest loan would be a mistake, as late charges have more impact in encouraging timely payment by borrowers. In addition, the respondent stated that late charges help defray the additional collection expenses that occur with late payments. The Department believes that the accrual of additional interest on the unpaid principal after the due date for a payment provides a sufficient incentive for borrowers to avoid late payment; thus, late charges are not warranted when daily interest notes are used. Accordingly, § 201.15 is amended to read as set forth in the proposed rule, except for the change noted in the previous paragraph.

Appurtenances to Manufactured Homes

The Department proposed to amend §§ 201.10(b), 201.21(b)(4), and 201.24(b) to provide, respectively, that (a) the cost of appurtenances may be included in the maximum amount of a manufactured home purchase loan under the conditions set forth in a Notice published at 51 FR 9785 and 9786, March 21, 1986; (b) manufactured home purchase loan proceeds may be used for the purchase, construction or installation of appurtenances; and (c) any appurtenance that is financed with the proceeds of a manufactured home purchase loan must be secured by a first lien.

Two comments were received concerning this proposal. Both respondents agreed with the proposal, one of them indicating that HUD was simply placing into regulatory form its current practice on the financing of appurtenances, as stated in the Notice published on March 21, 1986. Accordingly, §§ 201.10(b), 201.21(b)(4), and 201.24(b) are amended as set forth in the proposed rule.

Fees and Charges Which Cannot Be Financed

The Department proposed to amend § 201.25(c) to clarify that certain fees and charges that are incurred by the lender but cannot be financed with loan proceeds may be paid by the lender as a cost of doing business and do not have to be collected from the borrower. Two comments were received concerning this proposal. Both commenters objected to the proposal, expressing the opinion that the borrower should continue to pay these costs in cash at the time of loan closing.

The Department wants to make it clear that this amendment would not mandate that lenders pay such fees as a cost of doing business; it would merely

permit them to do so at their option. The Department is clarifying this section further by deleting the phrase "Except for any discount points to be paid by a dealer to a lender under § 201.13," as § 201.23 already excludes such discount points from the borrower's initial payment. Section 201.25(c) is therefore amended as set forth in the proposed rule and in the preceding sentence.

Proofs of Claim in Bankruptcy and Probate

The Department proposed to amend § 201.42 to require lenders to take all steps necessary to protect the interests of the creditor with regard to loans assigned to the United States until the Secretary has paid the claims. The Department further proposed to amend this section to exempt "no-asset" bankruptcy cases from the requirement for filing proofs of claim.

One comment was received concerning the amendment of § 201.42. The respondent objected to the proposed requirement that the lender continue to be responsible for a bankruptcy or probate proceeding after filing an insurance claim with HUD, as the lender has no further interest in the loan after the assignment is recorded. The Department disagrees with this position. Section 201.54(d) of the title I regulations requires that, when filing a title I claim, the lender must assign its entire interest in the note and in any security held. However, this assignment of the note and security instrument is, in a sense, a conditional assignment, as there is no consideration for the assignment until the claim is paid. There is also the possibility that the claim will be denied and the note and security interest reassigned to the lender. Furthermore, from a logistical standpoint, until a claim is paid, the Department has no way to keep track of documents not included in the claim file, such as those that might relate to a bankruptcy or probate proceeding.

The Department does not believe it is an onerous requirement for lenders to continue to monitor such cases, and even file necessary papers, subsequent to assignment of the note to HUD but prior to payment of the claim. Accordingly, § 201.42 is amended as set forth in the proposed rule.

Appraisals of Repossessed Manufactured Homes

The Department proposed to amend the second sentence of § 201.51(b)(3) to explicitly state that the appraisal must be based upon the retail value of comparable manufactured homes in the same geographic area where the repossession occurred. One comment

was received objecting to this proposal. The respondent claimed that the proposal was misguided if it would permit only an appraisal in the same geographic area where the repossession occurs. In response, the Department wants to make it clear that the amendment to § 201.51(b)(3) requires only that the lender obtain an appraisal in the same area as the repossession. It does not prevent the lender from moving the home to another location and obtaining another appraisal, if that would result in a better resale price. However, as stated in the preamble to the proposed rule, our concern is with homes being moved for the purpose of obtaining a lower appraisal, thereby increasing the Department's claim exposure.

One means of minimizing this type of program abuse is to require that an appraisal be obtained in the same geographic area where the home was repossessed before moving it to another geographic area. Accordingly, the Department amends § 201.51(b)(3) as set forth in the proposed rule, except that the first word has been changed from "the" to "this" to avoid any implication that a lender is precluded from obtaining additional appraisals when warranted.

Hazard Insurance in Combination Loan Claims

The Department proposed to amend § 201.55(b) by redesignating § 201.55(b)(5)(iii) as § 201.55(b)(5)(iv) and adding a new § 201.55(b)(5)(iii) to allow an insurance claim on a combination home and lot loan to include the cost of hazard insurance on the home, prorated to the date of disposition of the property. No comments were received concerning this proposed amendment, and the Department amends § 201.55(b)(5) as stated herein.

Corrections

The proposed rule noted that the Department proposed to make corrections to §§ 201.13 and 201.51(a)(2). The corrections to § 201.13, changing an "of" to "for", and § 201.51(a)(2)(iv), changing a reference from "§ 201.55(b)" to "§ 201.55(a)", have been made in a separate rule containing other technical changes, which was published at 54 FR 10536 on March 14, 1989. This rule does, however, amend § 201.51(a)(2) with regard to default on the Title I obligation and any senior obligation as discussed in the preamble to the proposed rule.

Applicability of Amendments

Amendments in this rule that are applicable to all loans, regardless of

when they have been or will be reported for insurance, are the changes to §§ 201.10 (item #4), 201.15 (item #5), 201.21(b)(4) (item #6), 201.24(b) (item #7), 201.25(c) (item #8), 201.31(c) (item #11), 201.42 (item #12), 201.51 (item #13), 201.55 (items #14 and #15). Amendments that are applicable to loans for which loan applications are approved on or after the effective date of this rule are the changes to §§ 201.2 (item #2), 201.10 (item #3), 201.21(b)(3) and (e)(3) and (4) (item #6), 201.24(a) (item #7), 201.25(b)(2) (item #8), 201.26 (item #9), 201.28 (item #10). Amendments to §§ 201.31(a) and (b) (item #11) are applicable to loans for which the date of disbursement is on or after the effective date of the rule.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours (7:30 a.m. to 5:30 p.m. weekdays) in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

Regulatory Impact

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicates that it would not (1) have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The proposed rule contained a certification, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this rule would not have a significant economic impact on a substantial number of small entities because the majority of financial institutions participating in the title I program are larger depository institutions and none of the proposed changes pose undue burdens for small entities seeking to conduct title I loan

transactions. Several commenters, most of whom are manufactured home dealers claiming to be small businessmen, disagreed with this certification.

These commenters all objected to the Department's claim that the rule will not have an impact on small businesses because they believe that they will lose sales as a result of the changes concerning the financing of furniture and hazard insurance premiums. The Department believes that any impact of lost sales resulting from these changes will not be significant for a substantial number of entities. In *Mid-Tex Electric Cooperative, Inc. v. Federal Energy Regulatory Comm.*, 773 F. 2d 327 (D. C. Cir., 1985), the court held that Congress did not intend to require that agencies consider every indirect effect that regulation might have on small businesses in any stratum of the national economy. In addition, the thrust of the Regulatory Flexibility Act is a requirement upon agencies to consider alternative regulatory schemes for regulating small businesses vis-a-vis those for regulating large businesses. This rule does not contain regulatory provisions susceptible to alternative regulatory schemes.

Accordingly, the undersigned hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Regulatory Agenda

This rule was listed as item number 949 in the Department's Semiannual Agenda of Regulations published on April 24, 1989 (54 FR 16708) under Executive Order 12291 and the Regulatory Flexibility Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order.

Specifically, the requirements of this rule are directed to lenders, and do not impinge upon the relationship between the Federal government and State and local governments.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has

determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The rule involves requirements for property improvement and manufactured home loans insured by the Department. Any effect on the family would likely be indirect and insignificant.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers are:

- 14.110 Manufactured Home Loan Insurance—Financing Purchase of Manufactured Homes as Principal Residences of Borrowers;
- 14.142 Property Improvement Loan Insurance for Improving All Existing Structures and Building of New Nonresidential Structures; and
- 14.162 Mortgage Insurance—Combination and Manufactured Home Lot Loans

List of Subjects in 24 CFR Part 201

Health facilities, Historic preservation, Home improvement, Mobile homes, Manufactured homes and lots, Reporting and recordkeeping requirements.

Accordingly, 24 CFR Part 201 is amended as follows:

PART 201—TITLE I PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOANS

1. The authority citation for 24 CFR Part 201 continues to read as follows:

Authority: Sec. 2, National Housing Act (12 U.S.C. 1703); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 201.2 is amended by revising paragraphs (p), (kk)(2), and (ll) to read as follows:

§ 201.2 Definitions.

(p) "Manufacturer's invoice" means a document issued by a manufacturer and provided with a manufactured home to a retail dealer which separately details the wholesale (base) prices at the factory for specific models or series of manufactured homes, itemized options (large appliances, built-in items and equipment), and specific specialty items, plus actual itemized charges for freight (including any rental of wheels and axles) from the factory to the dealer's lot or the homesite and for any sales taxes to be paid by the dealer. The invoice may recite such prices and charges on an itemized basis or by stating an aggregate price or charge, as

appropriate, for each category. The manufacturer shall certify in the invoice as follows:

The undersigned certifies under applicable criminal and civil penalties for fraud and misrepresentation that: (1) the wholesale (base) prices for the manufactured home, itemized options, and specialty items as detailed, the charges for freight and dealer-paid sales taxes, and all other statements in this invoice are true and accurate; (2) all such prices reflect the actual dealer costs at the factory, as quoted in the applicable current manufacturer's wholesale (base) price list; and (3) except for any payments of volume incentives or special benefits related to this transaction, all such prices and charges exclude any costs of—and the manufacturer will make no payments to or for the benefit of the dealer and/or home purchaser concerning—trade association fees or charges, discounts, bonuses, refunds, rebates, prizes, loan discount points or other financing charges, or anything else of more than a nominal value of \$10 which will inure to the benefit of the dealer and/or home purchaser at any date.

* * * *

(kk) * * *

(2) Whether or not available on an optional basis do not increase or decrease the wholesale (base) prices for the sale of a specific home, itemized options, or specialty items, or the charges for freight and dealer-paid sales taxes as detailed in the manufacturer's invoice for a specific sale to a retail dealer;

* * * *

(ll) "Wholesale (base) price list" means the price list(s), as periodically amended, which are published and distributed by a home manufacturer to all retail dealers in a given marketing area, quoting the actual wholesale (base) prices at the factory for specific models or series of manufactured homes, itemized options, and specialty items offered for sale to such dealers during a specified period of time. The wholesale (base) prices may include the manufacturer's projected costs of providing volume incentives and special benefits related to sales to dealers during the period. All such wholesale (base) prices shall exclude any costs of trade association fees or charges, discounts, bonuses, refunds, rebates, prizes, loan discount points or other financing charges, or anything else of more than a nominal value of \$10 which will inure to the benefit of a dealer and/or home purchaser at any date. Each price list and amendment shall be retained by the manufacturer for a minimum period of six years from the date of publication so as to be available to HUD and other Federal agencies upon request.

* * * *

§ 201.10 [Amended]

3. Section 201.10 is amended by removing paragraph (b)(1)(ii) and redesignating paragraphs (b)(1)(iii) through (vi) as paragraphs (b)(1)(ii) through (v).

4. Section 201.10 is amended further by adding a new paragraph (b)(1)(vi) to read as follows:

§ 201.10 Loan amounts.

* * * *

(b) * * *

(1) * * *

(vi) The actual cost of the borrower of a garage, carport, patio or other comparable appurtenance to the manufactured home, as stated in the retail purchase contract and as approved by the Secretary;

* * * *

5. Section 201.15 is revised to read as follows:

§ 201.15 Late charges to borrowers.

(a) *Imposition of late charge.* The note may provide for imposition of a late charge unless precluded by State law. The late charge may be imposed only for installments of principal and interest which are in arrears for the greater of 15 calendar days or the number of days required by applicable State law before such a charge may be imposed. Late charges must be billed to the borrower or reflected in the payment coupon, and evidence of any late charges that have been paid must be in the loan file if an insurance claim is made.

(b) *Amount of late charge.* The late charge shall not exceed the lesser of five percent of each installment of principal and interest, up to a maximum of \$10 per installment for any property improvement loan and \$15 per installment for any manufactured home loan, or the maximum amount permitted by applicable State law.

(c) *Method of payment.* Payment of any late charge cannot be deducted from the monthly payment for principal and interest, but must be an additional charge to the borrower.

(d) *Daily interest in lieu of late charges.* In lieu of late charges, the note may provide for interest to accrue on installments in arrears on a daily basis at the interest rate in the note.

6. Section 201.21 is amended by revising paragraphs (b)(3) and (4) and paragraphs (e)(3) and (4) to read as follows:

§ 201.21 Manufactured home loan eligibility.

* * * *

(b) * * *

(3) The proceeds of a manufactured home loan shall not be used to purchase furniture.

(4) The proceeds of a manufactured home purchase loan may be used for the purchase, construction or installation of a garage, carport, patio or other comparable appurtenance to the manufactured home, as stated in the retail purchase contract and as approved by the Secretary. The proceeds of a combination loan may be used for the purchase, construction or installation of a permanent foundation, garage, carport, patio or other comparable appurtenance to the manufactured home.

* * * *

(e) * * *

(3) When the manufactured home is to be placed on a leased site in a manufactured home park, the lender shall obtain certifications from the appropriate State or local government officials that the park complies with minimum standards relating to vehicular access, water supply, sewage disposal, utility connections, and other aspects of park development. Where minimum State and local standards for park development are not established or enforced, the lender shall obtain a certification from a registered civil engineer that the park meets minimum standards for park development prescribed by the Secretary.

(4) When the manufactured home is to be placed on an individual manufactured home lot or other site owned or leased by the borrower (or on an Indian land site under paragraph (e)(1) of this section), the lender shall obtain certifications from the appropriate local government officials that:

(i) The site complies with local zoning ordinances and regulations, if any;

(ii) Adequate vehicular access from a public right-of-way is available to the site;

(iii) Adequate water supply and sewage disposal facilities are available to or on the site; and

(iv) Any other minimum local standards and requirements for site suitability are met. Where minimum local standards for water supply and sewage disposal are not established or enforced, the lender shall obtain a certification from a registered civil engineer that the site meets minimum standards for water supply and sewage disposal prescribed by the Secretary.

7. Section 201.24 is amended by revising the first sentence of paragraph (a)(1), paragraph (a)(2), and the first sentence of paragraph (b) to read as follows:

§ 201.24 Security requirements.

(a) *Property improvement loans.* (1) Any property improvement loan in excess of \$5,000 shall be secured by a recorded lien on the improved property. * * *

(2) Any property improvement loan for \$5,000 or less (other than a manufactured home improvement loan) shall be similarly secured if, including such loan, the total amount of all title I property improvement loans obtained by the borrower is more than \$5,000.

(b) *Manufactured home loans.* Any manufactured home loan shall be secured by a recorded lien on the home (or lot or home and lot, as appropriate), its furnishings, equipment, accessories, and appurtenances. * * *

8. Section 201.25 is amended by revising paragraph (b)(2)(ii) and the introductory text of paragraph (c) to read as follows:

§ 201.25 Charges to borrower to obtain loan.

* * * * *

(b) * * *

(2) * * *

(ii) Premiums paid by the borrower for comprehensive and extended hazard insurance and secured interest protection coverage for the first three years, including premiums for flood insurance, where applicable;

(c) *Fees and charges which may not be financed.* The following fees and charges incurred by the lender in connection with a loan insured under this part may be collected from the borrower in the initial payment, but may not be included in the loan amount or otherwise financed or advanced by the dealer, the manufacturer, if any, or any other party to the loan transaction:

9. Section 201.26 is amended by revising paragraph (b)(4)(iii)(C), the first sentence of paragraph (b)(6)(i), and paragraph (b)(7)(ii) to read as follows:

§ 201.26 Conditions for loan disbursement.

* * * * *

(b) * * *

(4) * * *

(iii) * * *

(C) The dealer has performed the inspection and tests required under § 201.21(c)(3) and, as installed or erected on the homesite, the manufactured home has sustained no structural damage or other defects, and all plumbing, mechanical and electrical systems are fully operational; and

(6) * * *

(i) In the absence of information to the contrary, the lender may accept and rely upon a certification by the dealer or seller under applicable criminal and civil penalties for fraud and misrepresentation that the manufactured home, any options (large appliances, built-in items and equipment), and any specialty items included in the purchase price of the home or to be financed with loan proceeds have been delivered to and properly installed or erected on the site, and any other work to be accomplished at the site and financed with loan proceeds has been completed. * * *

(7) * * *

(ii) The manufactured home, any options, and any specialty items included in the purchase price of the home or to be financed with loan proceeds have been delivered and completed;

* * * * *

10. Section 201.28 is amended by revising the second sentence of paragraph (b) to read as follows:

§ 201.28 Flood and hazard insurance, and Coastal Barriers properties.

* * * * *

(b) *Hazard insurance.* * * * Such insurance shall be maintained by the borrower for the full term of the loan or until the property is repossessed or foreclosed by the lender, and in an amount at least equal to the unpaid balance of the loan, except that the amount of insurance coverage shall be not less than the actual cash value of the home where State law precludes a higher amount. * * *

* * * * *

11. Section 201.31 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 201.31 Insurance charge.

(a) *Insurance charge.* For each eligible property improvement loan and manufactured home loan reported and acknowledged for insurance, the lender shall pay to the Secretary an insurance charge equal to 0.50 percent of the loan amount, multiplied by the number of years of the loan term. The insurance charge shall be paid in the manner prescribed in paragraph (b) of this section; however, no charge shall be made for a period of 14 days or less, and a charge for a full month shall be made for a period of more than 14 days. There shall be no abatement or refund of an insurance charge except as provided in paragraph (e) of this section.

(b) *Payment of insurance charge.* (1) For any loan having a maturity of 25

months or less, payment of the entire insurance charge prescribed in paragraph (a) of this section is due on the 25th calendar day after the date the Secretary acknowledges the loan report.

(2) For any loan having a maturity in excess of 25 months, payment of the insurance charge shall be made in annual installments, with the first installment due on the 25th calendar day after the date the Secretary acknowledges the loan report, and the second and succeeding installments due on the 25th calendar day after the date of billing by the Secretary. Annual installments shall be paid according to the following schedule:

(i) For any property improvement loan having a maturity in excess of 25 months, payment shall be made in annual installments of 0.50 percent of the loan amount until the insurance charge is paid.

(ii) For any manufactured home loan having a maturity in excess of 25 months but not more than 144 months, payment shall be made in annual installments of 1.00 percent of the loan amount for the first three years of the loan term, 0.75 percent of the loan amount for the next two years, and 0.50 percent of the loan amount for all succeeding years until the insurance charge is paid.

(iii) For any manufactured home loan having a maturity in excess of 144 months but not more than 192 months, payment shall be made in annual installments of 1.00 percent of the loan amount for the first four years of the loan term, 0.75 percent of the loan amount for the next three years, and 0.50 percent of the loan amount for all succeeding years until the insurance charge is paid.

(iv) For any manufactured home loan having a maturity in excess of 192 months, payment shall be made in annual installments of 1.00 percent of the loan amount for the first five years of the loan term, 0.75 percent of the loan amount for the next four years, and 0.50 percent of the loan amount for all succeeding years until the insurance charge is paid.

(3) All insurance charges are considered earned when paid.

(c) *Penalty charge and interest.* Insurance charges not received from the lender by the due date specified in paragraph (b) of this section shall be assessed a penalty charge of four percent of the amount of the payment. Insurance charges received from the lender more than 30 days after the due date specified in paragraph (b) of this section shall also be assessed daily interest at the current United States Treasury value of funds rate, as

published periodically in the Federal Register. However, no penalty charge or daily interest shall be assessed if the Secretary fails to acknowledge receipt of the loan report or fails to issue a proper billing to the lender for the insurance charges.

12. Section 201.42 is revised to read as follows:

§ 201.42 Bankruptcy, insolvency or death of borrower.

(a) *Bankruptcy or insolvency.* The lender shall file a proof of claim with the court having jurisdiction when the lender has timely information that a borrower is involved in bankruptcy or insolvency proceedings, except that a proof of claim need not be filed if the court notifies the lender that the borrower has no assets and a proof of claim should not be filed. The notice of bankruptcy and a copy of the proof of claim (or the notice from the court that a proof of claim is not required) shall be retained in the loan file.

(b) *Death of a borrower.* The lender shall file a proof of claim with the court having jurisdiction when the lender has timely information that a borrower is deceased, unless the lender determines that there will not be a probate proceeding. A copy of the proof of claim (or documentation as to why a proof of claim was not filed) shall be retained in the loan file.

(c) *Responsibility of the lender after insurance claim is filed.* After the

Secretary pays an insurance claim, the Secretary will notify the bankruptcy or probate court, as appropriate, that the loan has been assigned to the United States and will request substitution as the party to whom the claim is owed. Until the insurance claim is paid, the lender shall take all steps necessary to protect the interests of the holder of the note in any bankruptcy or probate proceeding.

13. Section 201.51 is amended by revising the introductory text of paragraph (a)(2) and the second sentence of paragraph (b)(3) to read as follows:

§ 201.51 Proceeding against the loan security.

(a) * * *

(2) If a lender holds one or more mortgages or other security instruments senior to a secured property improvement loan, and the borrower defaults on both the senior security instrument and the property improvement loan, the lender may proceed against the secured property under the senior security instrument and later submit a claim under its title I contract of insurance only if:

(b) * * *

(3) * * * This appraisal should reflect the retail value of comparable manufactured homes in similar condition and in the same geographic area where the repossession occurred,

as listed in a current value rating publication accepted to the Secretary. * * *

14. Section 201.55 is amended by removing "and" from paragraph (b)(5)(ii) and by redesignating paragraph (b)(5)(iii) as paragraph (b)(5)(iv).

15. Section 201.55 is further amended by revising paragraph (b)(1)(ii) and by adding a new paragraph (b)(5)(iii) to read as follows:

§ 201.55 Calculation of insurance claim payment.

(b) * * *

(1) * * *

(ii) All amounts to which the lender is entitled after the date of default from any source relating to the property, including but not limited to such items as rent, other income, recourse recovery against the dealer, hazard insurance benefits, secured interest protection insurance benefits, and rebates on prepaid insurance premiums; and

(5) * * *

(iii) Premiums for hazard insurance on the manufactured home, prorated to the date of disposition of the property; and

Dated: August 25, 1989.

Ronald A. Rosenfeld,
Acting Assistant Secretary for Housing-
Federal Housing Commissioner.
[FR Doc. 89-20546 Filed 8-30-89; 8:45 am]
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federal register

**Thursday
August 31, 1989**

Part X

The President

**Proclamation 6014—World War II
Remembrance Week, 1989**

Presidential Documents

Title 3—

The President

Proclamation 6014 of August 29, 1989

World War II Remembrance Week, 1989

By the President of the United States of America

A Proclamation

Fifty years ago, on September 1, 1939, the proud nation of Poland was invaded by forces from Nazi Germany, marking the end of its independence and the beginning of World War II. Poland suffered a second devastating blow 16 days later, when Soviet forces invaded from the East. In a secret protocol to the Molotov-Ribbentrop Pact signed the previous month, Nazi Germany and the Soviet Union had plotted the conquest and partition of Poland and the Baltic States.

While many of the events that took place during the fateful month of September 1939 and the 6 turbulent years that followed might seem remote today, it is our duty—to future generations and to those who bravely defended the cause of freedom—to remember them. By recalling these events, we remind ourselves that real and lasting peace can be won only when the rights and dignity of all human beings are cherished and protected.

During World War II, the United States and its allies were engaged in nothing less than a life-and-death struggle for the fate of millions of people. Totalitarian regimes in Germany, Italy, and Japan—intent on regional hegemony and even world domination—posed a threat to all free and sovereign nations. The imperialist aims and racist policies of the government of Nazi Germany and some of its allies resulted in the deaths of millions of innocent men, women, and children—including six million Jews. By the end of the 6-year-long war, more than 15 million combatants and 24 million noncombatants had been killed. Many of these casualties occurred among the people of the U.S.S.R., whose sacrifices were instrumental in securing the Allied victory. The enormous costs of this fight against tyranny can never be forgotten.

Today, the principles that motivated the Western Allies during World War II continue to demonstrate their undeniable appeal. The history of the Federal Republic of Germany is now a moving testament to the power of democratic ideas, the wisdom of West Germany's post-war leaders, and the talent and resilience of the German people. Today the Federal Republic is among America's closest allies, and a champion of human rights, democracy, and freedom.

The people of Eastern Europe have continued to struggle for freedom and their right to self-determination. With courage and persistence the Polish and Hungarian people have begun a democratic transition in their countries.

The United States welcomes positive changes in Poland and Hungary—and in the Soviet Union itself. Nevertheless, we realize that the goals fought for during World War II have not been fully won. We stand with those peoples who continue to struggle for representative government and complete and lasting guarantees of their God-given rights. We look to a Europe whole and free.

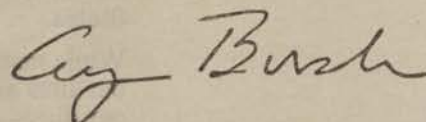
Today, as we recall the grave events of September 1, 1939, and the years of bitter conflict that followed, let us pause to salute our Nation's veterans, the hundreds of thousands of Americans who gave their lives, and the millions of civilians who rallied to support the cause of freedom. Their courage and selflessness—reflected day after day in acts of great personal sacrifice—led the way to victory. Let us also rededicate ourselves to promoting freedom and

respect for human rights around the world, for they are the only sure foundation for lasting peace.

To commemorate the 50th anniversary of the outbreak of World War II, the Congress, by House Joint Resolution 221, has designated the week beginning September 1, 1989, as "World War II Remembrance Week" and has authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby designate the week beginning September 1, 1989, as World War II Remembrance Week. I ask all Americans to join in remembering and reflecting upon this conflict, which changed forever the history of mankind. I also call upon government officials and private organizations to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 89-20721

Filed 8-30-89; 10:41 am]

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Federal Register

**Thursday
August 31, 1989**

Part XI

Department of the Treasury

Office of Foreign Assets Control

31 CFR Part 565

**Panamanian Transactions Regulations;
Final Rule**

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 565

Panamanian Transactions Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Treasury Department is amending the Panamanian Transactions Regulations to add a new appendix B to the end thereof containing the names of individuals who the Director of the Office of Foreign Assets Control has determined are acting or purporting to act directly or indirectly on behalf of the Noriega/Solis regime in Panama.

EFFECTIVE DATE: August 31, 1989.

FOR FURTHER INFORMATION:

Contact William B. Hoffman, Chief Counsel, Tel.: (202) 376-0408, or Steven I. Pinter, Chief of Licensing, Tel.: (202) 376-0236, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: The Panamanian Transactions Regulations, 31 CFR part 565 (the "Regulations"), were issued by the Treasury Department to implement Executive Order No. 12635 of April 8, 1988 (53 FR 12134, April 12, 1988), in which the President declared a national emergency with respect to Panama, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), and ordered specific measures against the Noriega/Solis regime in Panama.

This rule adds appendix B to part 565 to establish a list of individuals whom the Director of the Office of Foreign Assets Control has determined to be acting or purporting to act on behalf of the Noriega/Solis regime in Panama, pursuant to § 565.304(a)(4) of the Regulations. The individual regime officials included in appendix B are subject to the prohibitions on transfers to the Noriega/Solis regime from the United States (Regulations, § 565.202) and from U.S. persons and their controlled Panamanian entities in Panama (Regulations, § 565.203).

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply. Because the Regulations are

issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with Federal regulations.

List of Subjects in 31 CFR Part 565

Panama, Transfers of assets, Penalties, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 31 CFR part 565 is amended as follows:

PART 565—PANAMANIAN TRANSACTIONS REGULATIONS

1. The "Authority" citation for part 565 continues to read as follows:

Authority: 50 U.S.C. 1701 *et seq.*; E.O. 12635, 53 FR 12134 (April 12, 1988).

2. The last sentence of paragraph (a)(4) of § 565.304 is revised to read as follows: "Such determinations shall be published from time to time in an appendix B to this part, but shall be binding prior to such publication upon any person receiving actual notice thereof."

3. Appendix B to part 565—Persons and organizations acting on behalf of the Noriega/Solis Regime is added to the end of part 565 to read as follows:

Appendix B—Persons and Organizations Acting on Behalf of the Noriega/Solis Regime**I. Officials of the Panamanian Defense Forces and Other Officials of the Noriega/Solis Regime**

Name	Position
Ritter D., Jorge Eduardo.....	Foreign Minister
Tejada, Norberta.....	Vice Minister
Goodin, Orville K.....	Minister of Finance
Hooper de Galvez, Otilia.....	Vice Minister
Martinez, Elmo.....	Minister of Commerce
Alquero, Leopoldo.....	Vice Minister
Gonzalez J., Gustavo Ramon.....	Minister of Planning and Economic Policy
Panay, Jorge.....	Vice Minister
Chiari de Leon, Rodolfo.....	Minister of Justice
Bernal G., Targido A.....	Vice Minister
Ayala Walker, Darien.....	Minister of Agriculture
Gonzalez, Luis.....	Vice Minister
Martans V., Cesar S.....	Minister of Labor and Welfare
Collado, Victor M.....	Vice Minister
Bultron Moscoso, Rene.....	Minister of Public Works
Marquez Bristand, Arturo.....	Vice Minister
Bernal Y., Juan Bosco.....	Minister of Education
Herrera, Maritza.....	Vice Minister
Pitty V., Nander A.....	Minister of the Presidency
Valderrama, Augusto.....	Vice Minister
Bermudez A., Ricardo.....	Minister of Housing
Cajar, Adsinar R.....	Vice Minister
Esquivel, Jose Renan.....	Minister of Health
Reyes, Eduardo.....	Vice Minister
Villalaz B., Carlos A.....	Attorney General

Name	Position
Anguizola, Rolando.....	Deputy Attorney General

A. Members of Strategic Military Council

Lt. Col. Moises Correa
Lt. Col. Nivaldo Madrinan
Maj. Pascual Gonzalez
Lt. Col. Armando Palacios Gondola
Maj. Daniel Delgado
Maj. Jose Trujillo
Lt. Col. Luiz Cordoba
Maj. Rafael Cedeno
Maj. Federico Olechea
Maj. Humberto Melara
Maj. Francisco Porras
Capt. Jesus George Balma
Capt. Marcos Castillo
Capt. Nicasio Lorenzo Drake
Capt. Luis Quiel
Capt. Severino Mejia
Capt. Mario Del Cid

B. Officials of Autonomous Agencies

Name	Agency
Saenz, Rosendo.....	Abattoir Nacional (National Slaughterhouse)
Cajar, Adsinar.....	Air Panama
Benedetti, Giovanna.....	Archivos Nacionales (National Archives)
Mirones Pinzon, Virgilio.....	Autoridad Portuaria Nacional (National Port Authority)
Navas, Teodoro.....	Autoridad Portuaria Nacional (National Port Authority)
Purcalt, Azail.....	Deputy Administrator Banco de Desarrollo Agropecuario (Agricultural Development Bank)
Marin, Eduardo.....	Banco de Desarrollo Agropecuario (Agricultural Development Bank)
Amado, Marta.....	Banco Hipotecario Nacional (National Mortgage Bank)
Ortega, Ricardo.....	Banco Hipotecario Nacional (National Mortgage Bank)
Bermudez, Ricardo.....	Banco Hipotecario Nacional (National Mortgage Bank)
Caballero, Nelson M.....	Banco Hipotecario Nacional (National Mortgage Bank)
Arosemena, Rafael.....	Banco Nacional de Panama (Panama National Bank)
Melo, Arturo.....	Banco Nacional de Panama (Panama National Bank)
Amado, David.....	Banco Nacional de Panama (Panama National Bank)

Name	Agency	Name	Agency	Name	Agency
Altamirano, Jorge.....	Banco Nacional de Panama (Panama National Bank)	Coto P., Nelvin.....	Direccion Metropolitana de Aseo (Office for City Cleanliness)	Nunez, Aminta.....	Direccion Nacional de Patrimonio Historico (Office of Historic Heritage)
Hanono, Teofilo.....	Banco Nacional de Panama (Panama National Bank)	de Morgade, Angela.....	Direccion del Nino y de la Familia (Office of the Child and the Family)	del Rosario, Armando.....	Direccion Nacional de Patrimonio Historico (Office of Historic Heritage)
Mangravita, Fortunato.....	Banco Nacional de Panama (Panama National Bank)	Gonzalez de Leon, Pascual.....	Direccion de Aeronautica Civil (Office for Civil Aviation)	Lam, Ubaldo E.....	Direccion Nacional de Proteccion Civil (Office of Civil Protection)
Conte Porras, Jorge.....	Direccion Nacional de Patrimonio Cultural (Office of Cultural Preservation)	Valesquez, Alberto.....	Direccion de Aeronautica Civil (Office for Civil Aviation)	Justiniani, Modesto.....	Direccion Nacional de Registro Publico (Office of Public Registry)
Diaz, Ricardo.....	Bingos Nacionales (National Bingos)	Rodriguez, Lazaro.....	Direccion de Catastro (Office for Property Value)	de Lopez, Mayra.....	Direccion Nacional de Registro Publico (Office of Public Registry)
Sanchez, Agustin.....	Bingos Nacionales (National Bingos)	Dutari, Carlos.....	Direccion de Catastro (Office for Property Value)	Perez Silva, Juan Gabriel.....	Ferrocarril Nacional de Panama (National Railroad)
Abadia, Aristides D.....	Bolsa Internacional de Valores de Panama, S.A. (Panama International Stock Exchange)	Mosquera, Severino Maja.....	Direccion Ejecutivo para Asuntos del Tratado (Executive Office for Treaty Affairs)	Cardona Mas, Antonio.....	Hipodromo Presidente Remon (Race Tracks)
Simons, Jaime.....	Caja de Ahorros (Savings Bank)	Moreno, Roberto.....	Direccion de Cedulaclon (Office for Identity Cards)	Orillac, Carlos, Jr.....	Instituto de Acueductos y Alcantarilla dos Nacionales (IDAA)
Aboud, Alfredo.....	Caja de Ahorros (Savings Bank)	Davis, Julio.....	Direccion de Ingenieria Municipal (Office for Municipal Engineering)	Cedeno, Jorge E.....	Instituto de Acueductos y Alcantarilla dos Nacionales (IDAA)
Correa Lopez, Pedro.....	Caja de Ahorros (Savings Bank)	Amado Jaen, Humberto.....	Direccion de Saneamiento Ambiental (Office for Environmental Health)	Noriega, Tomas.....	Instituto de Investigacion Agropecuaria (IDIA)
Sanchez, Francisco C.....	Caja de Seguro Social (Social Security)	Gregorio Ramos, Virgilio.....	Direccion General de Aduanas (Customs Service)	Colamarco, Benjamin.....	Instituto para la Formacion y Aprovechamiento de Recursos Humanos (IFARHU)
Fuentes, Sergio.....	Caja de Seguro Social (Social Security)	de Cal, Efigenia.....	Direccion General de Correos y Telecomunicaciones (Office of Mail and Telecommunications)	Saona, Rosa Raquel.....	Instituto para la Formacion y Aprovechamiento de Recursos Humanos (IFARHU)
Harris, Julio.....	Casinos Nacionales (National Casinos)	Tatis, Antonio.....	Direccion General de Correos y Telecomunicaciones (Office for Mail and Telecommunications)	Castrellon, Rafael.....	Instituto de Mercadeo Agropecuario (IMA)
Rodriguez, Luis A.....	Casinos Nacionales (National Casinos)	Torrijos R., Hugo.....	Direccion General de Consular y Naves (SECNVES) (Office of Consular and Shipping Affairs)	Franco, Jorge E.....	Instituto de Mercadeo Agropecuario (IMA)
Tunon, Alberto Luis.....	Corporacion Bayano (Bayano Cement)	Arias, Alexis Alfredo.....	Direccion General de Consular y Naves (SECNVES) (Office of Consular and Shipping Affairs)	Pitti Serano, Mario Luis.....	Instituto Nacional de Cultura (INAC)
de Garcia, Marina B.....	Corporacion Bayano (Bayano Cement)	Villareal, Amilcar.....	Direccion General de Estadistica y Censo (Statistics and Census Bureau)	Modesto Jaen, Angel.....	Instituto Nacional de Deportes (INDE)
Miranda, Alvaro.....	Citricos de Chiriqui (Chiriqui Citric Plant)	Levy, Ricardo Salvador.....	Direccion General de Ingresos (Internal Revenue Service)	Carrion, Sara S.....	Instituto Nacional de Deportes (INDE)
Castillo, Eleuterio.....	Citricos de Chiriqui (Chiriqui Citric Plant)	Padilla, Petra.....	Direccion General de Ingresos (Internal Revenue Service)	Montenegro, Cesar.....	Instituto Nacional de Recursos Naturales Renovables (INRENARE)
Purcalt, Azael.....	Comision Bancaria Nacional (National Bank Commission)	Batista, Luis.....	Direccion General de Servicios Postales (Postal Service)		
de Diego, Mario.....	Comision Bancaria Nacional (National Bank Commission)	Tunon, Gilberto.....	Instituto Nacional de Formacion Profesional (INAFORP)		
Rodriguez, Francisco.....	Executive Secretary				
Julio V., Abdiel F.....	Controloria (Comptroller's Office)				
Vernaza, Alejandro.....	Controloria (Comptroller's Office)				
de Gartner, Aida Batista.....	Corporacion Azucarera la Victoria (La Victoria Sugar Mill)				
Fernandez Jaen, Dario.....	Corporacion Financiera Nacional (National Financing Corporation)				
	Direccion General para el Desarrollo de la Comunidad (Community Development Administration)				
Thompson, Enrique.....	Direccion General para el Desarrollo de la Comunidad (Community Development Administration)				
Gonzalez de la Barrera, Dario.....	Direccion Metropolitana de Aseo (Office for City Cleanliness)				

Name	Agency	Name	Agency	Name	Agency
Ramirez, Carlos	Instituto Nacional de Recursos Naturales Renovables (INRENARE) (Institute for Renewable Natural Resources)	Prado, Magdalena Javier	Instituto de Seguro Agropecuario (Institute for Agricultural Insurance)	Remon, Veyra	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Blanco, Luis E	Instituto Nacional de Telecomunicaciones (INTEL) (National Telecommunication Institute)	Abrego, Jorge	Junta Nacional de Censura (National Censorship Board)	Elter, Ramona	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Arosemena, Pedro J	Instituto Nacional de Telecomunicaciones (INTEL) (National Telecommunication Institute)	Villa de Flores, Ana	Loteria Nacional de Beneficencia (National Lottery)	Waked, Ahmed	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Dominguez, Bernardo	Instituto Panamena de Turismo (IPAT) (Institute for Tourism)	de Martinez, Lidia	Loteria Nacional de Beneficencia (National Lottery)	Duque, Carlos	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Arango, Mayra	Instituto Panamena de Turismo (IPAT) (Institute for Tourism)	de Castillo, Belgica	Migracion y Naturalizacion (Office for Immigration and Naturalization)	Chocron, Gaston	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Plicet, Luis Carlos	Instituto Panamena de Turismo (IPAT) (Institute for Tourism)	Cernud, Diomedes	Migracion y Naturalizacion (Office for Immigration and Naturalization)	Kitras, Constantino	Comite Ejectivo, Junta Directiva de la Zona Libre de Colon (Executive Committee of the Board of Directors of the Colon Free Zone)
Barietta, Luis	Instituto Panamena de Comercio Exterior (IPCE) (Institute for Foreign Commerce)	Estrada Carlos	Oficina de Regulacion de Precios (Price Control Office)		
Ortega Vieto, Ruben D	Instituto Panamena de Comercio Exterior (IPCE) (Institute for Foreign Commerce)	Sanjur, Olmedo	Procurador General de la Administracion (Solicitor General)		
Lay, Victor	Instituto Panamena de Comercio Exterior (IPCE) (Institute for Foreign Commerce)	Barsallo, Jose Fidel	Region Metropolitana de Salud (Metropolitan Region of Health)		
de Ortiz, Elvia Miranda	Instituto Panameno de Rehabilitacion Especial (IPHE) (Institute for Special Rehabilitation)	Castro, Nils	Sistema Nacional de Informacion (SNI) (National Information System)		
de Diaz, Josefina	Instituto Panameno de Rehabilitacion Especial (IPHE) (Institute for Special Rehabilitation)	Mirones, Victor	Sistema Nacional de Informacion (SNI) (National Information System)		
Herrera, Ovigildo	Instituto de Recursos Hidraulicos y Electrificacion (IRHE) (Institute for Electric Power)	Vargas, Hugo	Superintendencia de Seguros y Reaseguros (MiCI) (Office for Insurance and Reinsurance)		
Lara, Dagoberto	Instituto de Seguro Agropecuario (Institute for Agricultural Insurance)	Rodriguez de Arazuz, Antonia	Tribunal Superior de Trabajo (Superior Labor Court)		
		Fuentes, Pedro J	Tribunal Superior de Trabajo (Superior Labor Court)		
		Troyano, Jose A	Tribunal Tutelar de Menores (Juvenile Court)		
		Adames, Abdiel	Universidad de Panama (University of Panama)		

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[Reserved]

Dated: August 17, 1989.

R. Richard Newcomb,
Director, Office of Foreign Assets Control.

Approved: August 24, 1989.

Michael L. Williams,
Acting Assistant Secretary (Enforcement).
[FR Doc. 89-20755 Filed 8-30-89; 12:29 pm]

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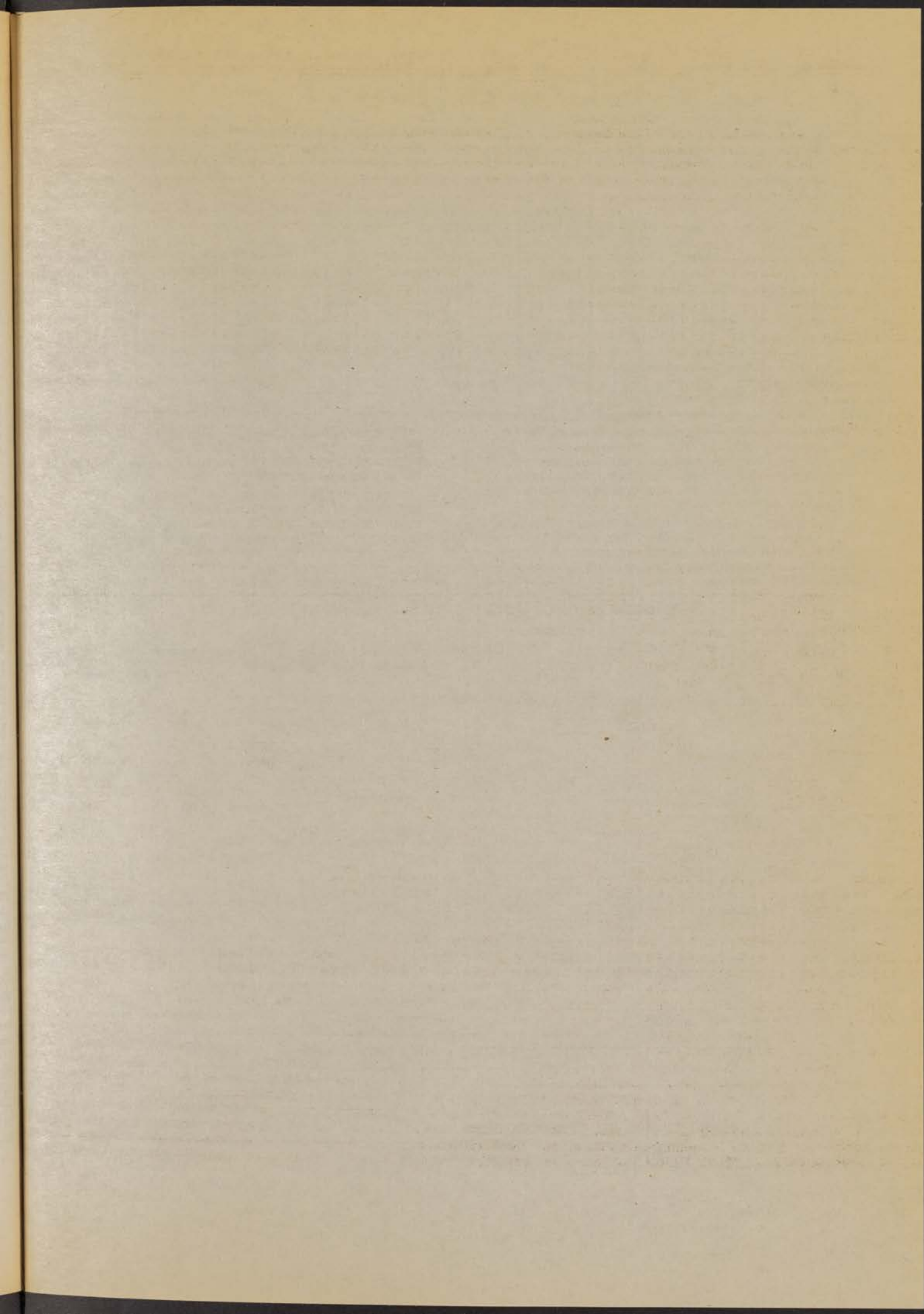
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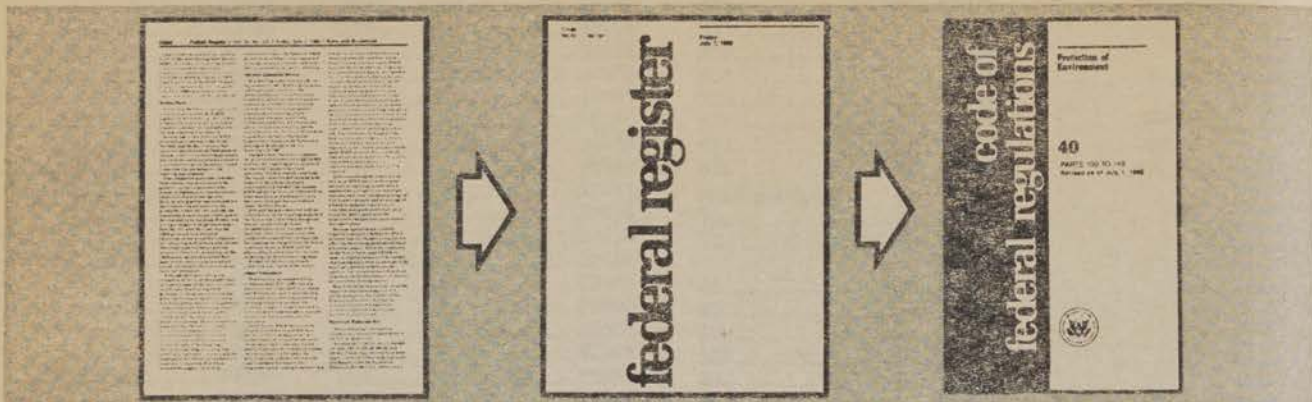
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